Sharma, Shri A. P.
Sharma, Shri Anand
Shukla, Shri Keshavprasad
Siddiqi, Shri Shamim Ahmed
Silvera, Dr. C.
Singh, Shri Bir Bhadra Pratap
Singh, Shrimati Pratibha
Singh, Shri R. K. Jaichandra
Singh, Dr. Rudra Pratap
Singh, Thakur Kamakhya Prasad
Singh, Shri Vishvajit Prithvijit
Singh, Shri Vishwanath Pratap
Sukul, Shri P. N.
Sultan, Shrimati Maimoona
Sultan Singh, Shri
Suraj, Prasad, Shri
Swu, Shri Scato
Tariang, Shri Jerlie E.
Thakur Jagatpal Singh
Thakur, Shri Rameshwar
Thangabalu, Shri T.
Valiullah, Shri Raoof
Varadaraj, Shri G.
Verma, Shri Shrikant
Verma, Shri Virendra
Yadav, Shri Hukmdeo Narayan
Yadav, Shri Jagdambi Prasad
Yadav, Shri Ramanand

Noes—Nil

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

MR. DEPUTY CHAIRMAN: Now the House will adjourn for lunch upto two only as I have already announced the voting schedule. I am sorry we shall have to complete our lunch within half an hour.

अब सदन की कार्यवाही दो बजे तक के लिये स्थगित की जाती है ।

The House **adjourned** for lunch at twenty-four minutes past one of the clock.

2 P.M

The House reassembled after lunch at three minutes part two of the clock **The Vice-Chairman (Shri Syed Rahmat Ali)** in the Chair

THE CONSTITUTION (FIFTIETH AMENDMENT) BILL, 1984

THE VICE-CHAIRMAN (SHRI SYED RAHMAT ALI): The Constitution (Fiftieth Amendment) Bill, 1984. Hon. Minister, Shri P. V. Narasimha Rao.

THE MINISTER OF HOME AFFAIRS (SHRI P. V. NARASIMHA RAO): Sir, I beg to move:

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

The Proclamation issued by the President under Article 356 of the Constitution on the 6th day of October, 1983 with respect to the State of Punjab cannot be continued in force for more than one year unless the special conditions mentioned in clause (5) of Article 356 of the Constitution are satisfied. Although the Legislative Assembly is in suspended animation and a popular government can be installed, yet, having regard to the prevailing situation in the State, the continuance of the Proclamation beyond 5th October, 1984 may be necessary. To facilitate the adoption of a resolution by the Houses of Parliament approving the continuance in force of the Proclamation beyond 5th October, 1984, it is necessary to amend Article 356 of the Constitution. It is therefore, preposed to amend clause (5) of Article 356 so as to make the conditions mentioned therein inapplicable for the purpose of the continuance in force of the said Proclamation up to a period of two years from the date of its issue that is, the 6th day of October, 1983. This Bill has been passed by the Lok Sabha on 23rd August, 1984.

[Shri P. V. Narasimha Rao]

In view of this position, I would request the august House to approve the Constitution (Fiftieth Amendment) Bill, 1984.

The question was proposed.

SHRI SUKOMAL SEN (West Bengal): Mr. Vice-Chairman, Sir, I wonder at the casual manner in which a serious amendment like this which has great importance not only for the present but also for the future polity of our country has been brought forward in this House.

Sir, about the prevailing situation in Punjab, as has been stated it has not developed all of a sudden. For the last three years it has started developing, and now it has come to its present shape. I fail to understand how the Government has acted during these three years. It came to such a situation where they feel it necessary to amend the Constitution, to smake a serious amendment to the Constitution, to have the writ of the Constitution, run on the State of Punjab. I feel it is a grave political failure of the Government at the Centre and also the Congress-I Government that was in Punjab. The Opposition Parties cannot be blamed for what has happened in Punjab. It was total failure of the official machinery that has to be blamed. We from the Opposition and particularly myself from our party have been insisting from the very beginning that a political solution must be found for solving the Punjab tangle. The transfer of Chandigarh and sharing of river waters—all these fundamental issues were agitating the minds of the Punjabi people. We gave our concrete suggestions accordingly for settling the problem. But we found that the Centre had not paid any need to our advise and the situation has taken a serious turn and the Government resorted to army action in the Golden Temple.

The Punjab situation was discussed *in this* House on the White Paper issued by the Government after the army action. But since then the House has been kept in dark as to what is happening in Punjab and what the Government was doing there with regard to the restoration of normalcy in that State. It is not the question of Akalis. I am speaking about the entire population of the Punjab State. It is not only the Akalis who are concerned but the entire population of that State. They are concerned about the fate of their State as to what will happen in the near future.

Sir, since the army operation in Punjab in the first week of June, almost three months are going to elapse, what the Government have done during these months? What was the political initiative to solve the Punjab tangle? The army action took place in the first week of June but still the army is deployed not only outside but even in the Golden Temple. The Security Adviser to the Government of Punjab is an Army General which means it is not a civil rule there. It is almost a military rule that is ruling the Punjab State that we are witnessing today for the last three months.

Sir, why the Governor, Mr. Pandey has resigned after the army operation? Why a new committee has been set up under the Chairmanship of a retired I.A.S. officer to revamp the administration of the State? Why certain changes in the police administration is taking place? All these things have not been reported to the Parliament. It has been kept in the dark. Now, all of a sudden, the Government has come out with an amendment to the Constitution. Now, Sir, what we find instead of taking a political initiative to solve the Punjab tangle, the Government is taking a course which has proved utterly wrong in the past, which has boomranged upon them, which has created contestants. I mean that the Government in order to fight fundamentalism, they are doing it from another platform of fundamentalism. Recently they held Sarbat Khalsa with great pomp and grandeur. With

great glare of publicity, it was held. And there is the "Kar Seva" that has been organised inside the Golden Temple. All I feel is that the Government is taking a new course towards building up an alternative religious auothority to fight the religious authority of the Akalis. (*Time bell rings*). It is only five minutes. Why are you ringing the bell?

THE VICE-CHAIRMAN (SHRI SYED RAHMAT ALI) Only seven minutes are allotted to your party.

SHRI SUKOMAL SEN: How can it be seven minutes? It is a two-hour debate. So, Sir, in the past also—I know the Treasury benches will shout if I say this—we found that they tried to build up an alternative religious authority in Bhindrawale. And now again certain Babas are being inducted for "Kar Seva', ignoring the sentiments of the overwhelming majority of the Sikh population and a Sarbat Khalsa is being organised at the behest and patronage of the ruling party. I feel these are again going to boomerang. Fundamentalism cannot be fought from another platform of fundamentalism. A secular Government, a secular political party, a secular political outlook can solve all these problems.

Another point is why the Government is unable to restore a popular Government in that State. Already the Assembly is there, although in suspended animation. The Congress party is in majority in the Assembly. What is the difficulty in convening the Assembly and forming a popular Government there? It appears to me, and the press reports also suggest, that factionalism inside the Congress party in Punjab is so serious that the Congress Party is unable to find out a Chief Minister who may be accepted by the rank and file, by all sections and groups of the party. Otherwise I do not understand why, despite a majority in the Assembly, during these last three months the Congress party could not find out a Chief Minister and restore a popular Government. After all, what is the difference? If it is ruled from Delhi by the President, it means, it is ruled by the Council of Ministers in the Central Government. The same set of officers will be there; the same set of bureaucrats and employees and police personnel will be there. Nothing is going to be changed in that State. So the failure of the Government to restore a popular Government in that State is entirely due to internal dissensions of the Congress party. It has nothing to do with the nation's interests or the interests of the population of that State. So, Sir, I feel that the Government is trying to pose this in such a manner that in the prevailing situation, a Government run by the Congress party in that State may not be fruitful in bringing normalcy to the State. If it is true, then it is a political failure of the Congress party. Why should the nation bear the burden and responsibility of this political failure of the ruling party?

Then, Sir, in other States we find that a more serious situation is prevailing. I mean, if we look at the north-eastern States like Nagaland, Mizoram, Manipur and so on, almost conditions of insurgency are prevailing there. Frequently the security forces are encountering insurgents. And the insurgents are being helped by some foreign Governments. Despite this situation, recently in Mizoram and Nagaland, elections were held and thank God, the ruling party was able to install its Government there. So, if popular Government can be established in Mizoram, Nagaland or Manipur, I do not know why it cannot be done in Punjab. Then, as regards this particular amendment this question came up also, not in the House, unofficially in regard to Assam, during the Assam imbroglio. The question was raised at that time. The point is first it was in Assam, then in Punjab, then in another State, then in a third and a fourth State. If in this way we go on amending the Constitution what will

[Shri Sukomal Sen]

happen to the Constitution itself and what will happen to the country? In this Article it has been clearly stated that beyond one year if the Government wants to rule a State under President's rule, two conditions are to be fulfilled; a proclamation of emergency or a certificate from the Election Commissioner that holding general election is not possible. A certificate to this effect from the Election Commissioner is necessary. But these two conditions do not apply here, because, firstly, there is no proclamation of emergency; secondly, in regard to the certificate of the Election Commissioner, the question does not arise because there is an Assembly already in existence although in suspended animation. Therefore, the second condition also does not hold good here. Then, about amending the particular Article, is it so easy? Is the Article so frivolous that it can be amended in this way time and again? When this Article was incorporated in the Constitution, a great deal of debate took place in the Constituent Assembly. I do not want to quote all those things. But I do want to draw the attention of the House to a particular statement of Dr. Ambedkar about this Article when heat was generated in the Constituent Assembly about having this provision in the Constitution and when so many eminent Members of the Constituent Assembly opposed this Article. In reply to the debate Dr. Ambedkar said:

> "The proper thing you ought to expect is that such Articles will never be called into operation and they would remain a dead letter."

Dr. Ambedkar said that such Article should have remained a dead letter. He then went on to say:

> "If at all they are brought into operation, I hope the President who is endowed with these powers, will take proper precautions before actually suspending the administration of the province. I hope the first thing he will do would be to issue a mere warning to the people of that province that things were not happening in the way in which they were intended to happen in the Constitution. If this warning failed, the second thing for him to do would be to order election letting the people of the province to settle matters by themselves."

Therefore, it is only when these two remedies fail that we resort to this Article. This was the clear statement made by Dr. Ambedkar on how this Article should be used so that it is not want only abused by the Government. That is how Dr. Ambedkar had satisfied the Members of the Constituent Assembly who debated on this point. In this background, such a serious amendment has been brought before Parliament by the Government in a very frivolous way, in a very casual manner. I would like to tell the Government, instead of amending the Constitution which will open the flood-gates of such amendments in future—because, Indian situation is so complex politically; so many States are run by non-Congress Governments, so many things are happening in so many States. In Pondicherry something happened; in Sikkim something happened; in Andhra Pradesh something is happening; and in Jammu and Kashmir something happened,—they should try to restore popular Government in the Punjab. My Party has always been for scrapping article 356 of the Constitution because it is creating problems in the Indian democratic polity. This article by its misuse is going to trample down all our democratic norms. It is going to negate the popular verdict and popular will of our nation.

So, Sir, instead of amending the Constitution, the Government should try to restore normalcy in Punjab and replace the present administration by a popular rule by your own party which has a majority there. The responsibility for that lies entirely with the present Government.

Another reason for the present stalemate in Punjab is because of keeping the Army inside the Golden Temple. I do not say that the Army should be immediately pulled out of the entire State of Punjab. It may not be possible. The Government should take steps so that by and by the Army is pulled out. As a beginning the Army should be immediately pulled out from inside the Golden Temple.

In regard to religious affairs, political parties or the Government should not take any initiative. They should be left to religious people. If you do not desist from that, I am afraid it will again boomerang.

My last point is that the Government should take the opposition into confidence and discuss with them as to how to meet the present stalemate, how to settle political issues like handing over of Chandigarh or river waters. They should come to settlement with Akalis also. Otherwise I feel normalcy cannot be restored.

Yesterday, in Chandigarh a plane was hijacked. So the root of terrorism has not been uprooted. It is still there. We do not know what will happen tomorrow. The alienation that has taken place among the Sikh community should be eliminated. The Sikh community should feel that in spite of what happened in the past the Government is trying their best to solve their problems. We have been hearing a lot about healing touch. I do not know whether the Indian Parliament has been told what healing touches the Government have given to the situation in Punjab so that the alienation that has taken place is eliminated. But nothing has been done. The Government is only creating more Babas and I feel that these Babas will create further complications.

In the end I would suggest that Punjab's political problems should be solved immediately. For that the opposition should be taken into confidence and the issues should be discussed with them. Since the Punjab Assembly has been kept in suspended animation, the Assembly should be summoned and a Government should be set up. These will restore normalcy in Punjab. By amending the Constitution, you cannot achieve this purpose. Therefore, I oppose this amendment.

SHRI DARBARA SINGH (Punjab): Mr. Vice-Chairman, I will take some time to explain the background. But I am sorry that the time is much limited. Therefore, I will state only some salient points.

हमारे दोस्त ने बहुत प्वाइंटस लाने की कोशिश की, इसलिए मैं अर्ज करना चाहता हूं कि क्यों यह एक्सटेंशन हो रहा है और कहीं इसमें लिखा हुआ नहीं है, न आपको होम मिनिस्टर ने यह कहा है कि कभी पापुलर गवर्नमेंट बनेगी नहीं —कहीं लिखा है ?

बात यह है कि जैसे सिचुएशन है, उस सिचुएशन में यह ज़रूर हो गया था कि इसको बढ़ा दिया जाए, ताकि कभी भी जब नार्मेल्सी कम्पलीट तौर पर आ जाए, वह उस तरफ चली हुई है, तो उस वक्त हम फैसला कर लेंगे । कोई पापुलर गवर्नमेंट के खिलाफ यहां नहीं है । लेकिन हालात को देखने की बजाए एक पार्टी का प्रोग्राम नहीं देना चाहिए-- मैं यह अर्ज करना चाहता हूं, क्या है वहां ?

आज भी जो वहां हालात हैं, वह यह है कि स्कूल्ज जो बंद किया गया और लगातार वह एक कोशिश में रहे हैं-- क्या इनको यह पता नहीं है कि करोड़ों रुपया इस बात पर जाया हुआ है कि उन्होंने चार दफा केनाल को तोड़ा है, देहात भी वह गये हैं, करोड़ों रुपये की जायदाद और फसल और खाने की चीजें,

[Shri Darbara Singh]

जो आपको और मुल्क के दूसरे हिस्सों को मिलनी थी, वह सारी की सारी तबाह हो गई है? यह इनको पता नहीं है मेरे ख्याल में ।

उनको इसका अंदाज करना चाहिए कि पंजाब में, राजस्थान में जो पानी की कमी वाक्या हुई है, उससे क्या नहीं हुआ है । आपको याद होगा--मैं आपकी वाकफीयत के लिए कहना चाहता हूं कि जो बिजली का रोपड़ का थर्मल प्लांट है, वह आज से छह महीने पहले 210 मेगावाट बिजली दे देता, लेकिन यह जो नुकसान हुआ है, उसकी वजह से यह लेट होता जा रहा है और 210 मेगावाट की जो आज कीमत है--कीमत मैं शुमार इस बात के लिए करता हूं कि जो लोगों को मिले, जेनेरेट हो, बिजली लोगों को, इण्डस्ट्री को मिले, और एग्रीकल्चर को मिले, उससे जो पैदावार होनी थी, जो लोगों को फायदा होना था, वह सारे का सारा स्टेगनेट हुआ है ।

कौनसी ऐसी बात है, जिनमें अब डेंजर्स इग्जिस्ट नही करते ? इग्जिस्ट करते है ।

आज आपने पढ़ा नही कि अमरीका में उन्होंने दो हजार आदमी इकट्ठे करके यह कोशिश की है, और यह किस की मदद से हुआ है? वहां हो नही सकती थी यह बात--कि वहां से दो हजार-अढ़ाई हजार आदमी इकट्ठा किया जाए और वह कहे खालिस्तान--जिनके दिमाग में वह कभी नहीं था, उनके दिमाग में डालने की जिन्होंने कोशिश की है, उसका असर यहां पर लाने के लिए कौन-कौन सी कोशिश नही हो रही है ।

यह नेगेटिव बात करने से क्या फायदा है--आप इस बात में हमारी मदद कीजिए कि हम नार्मेल्सी वहां ला सके और यहां कि सरकार कोशिश कर रही है और उसी में कोशिश करते हुए, यह बहुत एक पेनफुल डिसीजन लेना पड़ा था और मिलिटरी को वहां भेजना पड़ा । वरना, कौन चाहता था, इन्दिरा गांधी नही चाहती थी, गवर्नमेंट नहीं चाहती थी, कांग्रेस नहीं चाहती थी, वहां की सरकार कतन नहीं चाहती थी, लेकिन फिर भी करना पड़ाज । तो उसकी वजह है कि वहां पर जो कुछ हो रहा था, उसको दूर करने के लिए--अब सिखी के नुक्ते-निगाह से भी वह बात निहायत जरूरी थी--जो घटनाएं, बुरी बातें वहां हो रही थीं, उसका आपको अंदाज नहीं हो सकता । मैं अब आपको यहां कह नही सकता--मैंने कहा था कि हमारी कल्चर है कि कांग्रेस वाले यहां--वह बातें जो बहुत निचले दर्जे की हैं, वह हम व्हाइट-पेपर में इसलिये नहीं लाये वरना मुझे पूछिये कि कौन-कौन सी चीजें वहां नहीं हुईं जो दुनिया में बाहर नहीं होती, वह अंदर वहां हुई थी । वह अगर आपके नोटिस में आएं, तो आपके रोंगटे खड़े हो जाएंगे ।

आप क्या समझते हैं कि यह इसलिए कर दिया गया कि सिर्फ मिलिटरी को भेज कर के कोई एप्रिसिएशन लेने के लिए था? बिलकुल नही, यह बिलकुल बहुत ही दुखदायी था, हमारे लिए पेनफुल था डिसीजन जो गवर्नमेंट ने लिया है ।

कौन कहता है कि गुरुद्वारे को मिसमार कर दिया जाए, कौन कहता है कि मंदिर को मिसमार कर दिया जाए, लेकिन मंदिर में रहने वाले जो लोग थे, उन्होने गुरु हरगोबिन्द साहब की बेइज्जती की है--कोई गुरु साहेबान नहीं चाहते थे कि वहां रात के वक्त कोई रहे । यहां पर रात के वक्त, दिन के वक्त, सोना, खाना-पीना, हर किस्म की बुरी बातें जो वहां हो रही थी, उनको दूर करना किसी का तो काम था । उस वक्त सब ने कहा कि यह ठीक किया है और ठीक किया है;

तो उसके बाद के जो रेपरकशंस हैं, वह भी तो सहारने हैं--वह सरकार ही सहारेगी, ताकि उसका जो रिएक्शन हो रहा है, जो उसको गलत तौर पर पेश करके सारी दुनिया में लोगों को भेज कर के और पैसा खर्च करके, उसमें जो बाहर की सरकारें लगी हुई हैं, उनका मुकाबला करने के लिए, आप समझते हैं कि नार्मेल्सी आ गई है । नहीं, अभी इसका काफी जो असर है, उसको जाया करने की जरूरत है ।

मैं आज भी कहता हूं कि अकालियों का स्टेटमेंट कभी यह नहीं आई--छोड़ दिया उनके कहने पर जो लोग कहते थे कि इनको छोड़ दो, वह इकट्ठे होकर इस बात को तय करेंगे कि कार सेवा करनी है, तो कब करनी है, कैसे करनी है--उन लोगों ने अगर स्टेगनेट किया है सारी चीजों को, रोका है, प्रिवेन्ट किया है इस बात से है कि वे आगे बढ़ नहीं सके। उनकी कोई एक भी स्टेटमेंट नहीं है जो कि यह कन्डैम करती हो कि जो कुछ वहां हुआ है वह बुरा हुआ है । वहां जो कुछ हो रहा है, जो किलिंग हो रही है, स्पोरेडिक इंसीडेंट्स हो रहे है, हम उनको घृणा से देखते हैं, कभी उन्होंने ऐसा कहा हो ? यह भी प्रश्न था कि कार सेवा कौन करे ? कार सेवा का मतलब यह है कि जब भी कभी गुरुद्वारे की कारसेवा हुई, जब भी कभी सरोवर की सेवा होती रही है, जैसे कि 1923 में हुई, 1973 में हुई, ठीक है कि जब भी इसकी जरूरत पड़ी है इस तरह की कारसेवा होती रही है। 1973 में अभी सेवा हुई है, उसको भी साफ करना चाहता हूं कि कौन इसके खिलाफ है । लेकिन जो बना रहे हैं अकाल तख्त, उसके लिए भी कहा गया कि इसको वहां बैठा दिया, उसको वहां बैठा दिया । वह भी बैठा है, कभी जो रास्ते में रुकावट डालते थे । हमने एक को कहा दो को कहा, सब को कहा और यह मान भी गए और कह भी दिया । खड़ग सिंह ने कहा । जो कहा वह सब कुछ हो गया । उन्होंने कहा कि रास्ता भी बना दो, वह भी बना दिया गया । यह भी कहा गया कि बुजुर्ग आदमी है । लेकिन उसके नीचे के आदमी वैसे हैं जैसे अकाली पार्टी के बहुत से नीचे वाले आदमी से सारे इकट्ठे हो कर ऐसी बात करते हैं जो कि बेहूदा हो और देश के हित में न हो । मैं यह कहना चाहता हूं कि यह कोई ऐसी बात नहीं, यह अमेंडमेंट लाई गई इसके रीज़न्ज़ भी आपको दिए हैं । आज भी जितनी बातें हो रही है वहां खराबियां हो रही हैं, कोई टैरोरिस्ट वहां खराबी पैदा कर रहे हैं एक भी अकाली पार्टी के आदमी ने बाहर के जो आदमी बैठे हैं उन्होंने कभी इसे कन्डैम नहीं किया । कन्डैमनेशन के वक्त भी नहीं की जबकि गुरुद्वारों में लोग मारे जा रहे थे । गुरुद्वारों के बाहर भी जब लोग मारे जा रहे थे, बेगुनाह और मासूम लोगों का खून किया जा रहा था, उस वक्त भी आवाज़ नहीं उठाई गई । बल्कि उन लोगों को जो मार कर आते थे और उनके खानदानों को सरोपा दिया जाता था कि आपने बहुत बढ़िया बात की है । इसलिए हमें शक है इस बात की कि ये जो ऐसी बातें कर रहे हैं इसका नतीजा क्या होगा । इसका रिएक्शन देखना जरूरी है । इसका ख्याल करें । मैं थोड़ा सा अर्ज करना चाहता हूं और थोड़ी सी इसकी बैकग्राउंड भी दे दूं । बाबा खड़ग सिंह जी, यह नहीं, बहुत बड़े नैशनलिस्ट हुए हैं । उस वक्त जब 1929 में लाहौर में हमारी मीटिंग हुई थी, जब जलसे हुए थे, उससे पहले महात्मा गांधी जी खुद उनके घर पर गए थे और उनको साथ में लेकर नेशनलिज़म की हवा को

[Shri Darbara Singh]

तेज करने के लिए महात्मा गांधी जी और जवाहर लाल नेहरू ने यह काम किया था । मालवीय जी को कौन नही जानता ? उन्होने 1922 मे गुरु के पास जाकर यह कहा था कि हर हिन्दू जो है वह एक सिख अपने खानदान मे बनाए ताकि हिन्दुस्तान मजबूततरीन बन सके । गांधी जी और अली ब्रदर्ज जो है उन्होने ननकाना साहब मे जाकर अंग्रेज़ो के खिलाफ जो एजीटेशन हो रही थी उसमें हिस्सेदार बने । इसके साथ ही महात्मा गांधी जी शिरोमणी गुरुद्वारा प्रबन्धक कमेटी को फाइनांसियल हैल्प भी करते रहे । यह बात शायद ही कोई गलत कहे । शिरोमणी गुरुद्वारा प्रबन्धक कमेटी की एक जो उनकी रिपोर्ट है उसमे उन्होने खुद दिया हुआ है यह मै इसलिए कह रहा हू कि उस समय किसी ने इसे ओपोज़ नही किया । लेकिन मै समझता हूं कि अंग्रेज़ों के वक्त का बनाया हुआ जो 1925 का एक्ट है उस एक्ट में यह जो पोलिटिक्स और रिलीजियन को इकट्ठा करके चलाते है वहां गुंजाइश नही होनी चाहिए । मैं समझता हूं कि हालात के मुताबिक यह ऐसी बात चली है । उस वक्त तो अंग्रेज ने अपना पीछा छुड़ाया । उस समय सारे जो कांग्रेस के लीडर जो थे, पंडित जवाहर लाल नेहरू जो थे वे वहां नाभा मे गए । उन्होने कौन-कौन से काम मिल कर नही किए ? ताकि सिखो को मजबूत किया जाए । इस बात के लिए वे मेनस्ट्रीम मे रहे । इसलिये लाहौर सैशन मे 1929 में उनकी पूरी मदद करने के लिए रेजोल्यूशन भी किया । यह भी एक बात है कि महन्त जो थे उनके खिलाफ ननकाना साहब में यह मूवमेंट चली थी कि गुरुद्वारे को अपवित्र कर रहे थे । अपवित्रता के खिलाफ एक जेहाद छेड़ा था । कनवेंशन जो सिखो की थी उसके खिलाफ वे काम कर रहे थे । जमीनों पर कब्जा किए बैठे थे । अपना पेट पालने के लिए थे । और कितनी करैक्टरलैस बातें करते थे । तो इन सारी चीजों को हटाने के लिए कोशिश की तो सारे हिन्दुओं ने उसका साथ दिया । उनके बुत जो थे, उनके देवता जो थे वे भी हटा दिए हिन्दुओं ने और कोई उसकी आवाज नही उठाई । कहा--- इधर कर लेते हैं हम क्योंकि गुरुद्वारे और इन सब को हम एक मानते हैं । इतनी चीजें होते हुए भी यह कहना कि हिन्दु और सिख में लड़ाई क्यों हैं ? उनमें यह नही है बल्कि टेररिस्ट और उन लोगों के दिमाग में यह हो सकता है, जो लोग कमीने तौर पर सोचते हैं, उनके दिमाग में तो हो सकता है । मैं यह अर्ज कर रहा था कि यह सवाल कोई छोटा सवाल नही था । गुरु तेग बहादुर ने क्या कहा लोगों को । उन्होंने कहा कि पंजाब सिर्फ सिखों की चादर नहीं, उन्होंने कहा कि यह हिन्द की चादर है । आज पंजाब में, गुरु ग्रंथ साहिब में भी बिल्कुल मैंने पिछली दफा भी कहा था कि यहां का "खुरासान तसमाना किया, हिन्दुस्तान डराया ।" हिन्दुस्तान का नाम लिया है, पंजाब का नही लिया, सिखों का नही लिया और किसी का नही लिया, उन्होंने हिन्दुस्तान का नाम लिया है, उनका जो काम करने का तरीका था, यह था । गुरु नानक देव जी ने चार सौ जन्म लिए और अगर आप पढ़ें, तो पता चलता है कि आसाम से लेकर पंजाब ही नहीं दूसरे मुल्कों में जाकर मक्का, मदीना में जाकर उन्होंने लोगों को एक नई करवट लेने के लिए कहा है और जो समाज में तबदीलियां लानी चाहिएं, वह लाने की कोशिश की है । कैसे, पैदल गए है और ऐसी ऐसी जगह जाकर लोगों को रिफार्म किया है, जो उसमें आने के लिए तैयार नही थे, लोगों को मारते थे, टेररिस्ट सारी चीजें करते थे, लेकिन उन्होंने जंगलों में जा-जाकर सबक दिया ।

गुरू गोविंद सिंह जी ने जो नौ गुरूओं का काम करने का मिशन था, उस पर चोखटा लगाया है ताकि उसमें हिफाजत की जा सके । उसमें हिन्दू भी हैं, मुसलमान भी हैं, सब कोई हैं। उन्होंने इसलिए यह चौखटा लगाया कि उसमें एक तस्वीर बन जाए कि हिन्दुस्तान की एक ही तस्वीर होनी चाहिए और उन्होंने कहा कि मेरे नाम पर कोई सिक्का नही चले । उन्होंने यह भी कहा कि हम किसी इलाके पर कब्जा नही करना चाहते । अगर बंदा बहादुर ने कोशिश की और सिक्का चलाया, बेशक गुरू के नाम से चलाया । लेकिन उसका नतीजा यह हुआ कि सिखों ने उसे रोक कर के एक तरफ कर दिया और जुल्म के खिलाफ बगावत करके उन्होंने कुछ करने की कोशिश की थी । लेकिन जब यह सिक्का चलाया तो उन्होंने आवाज उठाई और उसको एक तरफ कर दिया गया । गुरु गोबिंद सिंह, जिसके नाम पर आज आप लोगों को एक्सप्लायट करने की कोशिश करते हैं, उन्होंने ही स्वयं कहा था कि सिक्का मेरे नाम का नहीं होना चाहिए, इलाके का सवाल न हो, उनके लिए हिन्दुस्तान सारा था । पटना साहब में उनका जन्म हुआ था, उन्होंने पंजाब में आनंदपुर साहब में आकर काम किया और आखिरी लम्हे जो गुजारे, वह नदीब साहब, दक्षिण में जाकर गुजारे हैं । कौनसा इलाका उन्होंने छोड़ा है, जो हिन्दुस्तान में नहीं आता । इसलिए हिन्दुस्तान की हिफाजत के नाम पर सारे गुरुओं ने जो काम किया है, उसको पोलीटिकल तौर पर आज जो काम करने की कोशिश की जा रही है, मैं उसके खिलाफ हूं । पोलिटिक्स में ऐसी कोई जगह नही होनी चाहिए । यह धर्म का काम है और यह धर्म आत्मा और परमात्मा का रिश्ता जोड़ने के लिए है, इंसानी रुहानी ताकत जमा करने के लिए नहीं । माफ कीजिए । वहां जो गंदगी लाई गई, जो कुछ वहां हुआ है हरमिंदर साहब में, वह रोंगटे खड़ी करने वाली बातें है । मैं होम मिनिस्टर साहब को नहीं कहता कि वह इसका बयान दें । इसकी मुझे अपनी जातीय तौर पर इल्म है । मैं जानता हूं कितनी वहां बेइज्जती और खराबी हुई है, वह बयान के बाहर है । अगर यह बातें अंदर लाते हैं, तो इसको कहना मुश्किल है । लेकिन हम नहीं कहते कि हमने यह किया है, हमने वह किया है और अगर यह व्हाइट पेपर और ब्लेक पेपर करने की कोशिश करेंगे तो हम उसका जवाब जरूर देंगे और बेशक सरकार दे, न दे । लेकिन लोगों को आगे बढ़ना होगा इस बात के लिये कि जो कुछ उन्होंने किया है, अन्दर, वह बयान से बाहर है। यही नहीं, उस कुएं से क्या निकाला है, उससे यह चीजें मिली है, लूट का माल मिला हैं, उसमे ट्रांसमिशन जो होती थी पाकिस्तान के साथ और बाहर दूसरे मुल्कों के साथ, जिनके साथ मिल कर ऐसे काम यहां करना चाहते थे, मिली है । यह सारा सामान मिला है । यह जाहिर करता है कि उन लोगों का किस तरफ रुख थी । लेकिन यह सारा सामान किसकी गलती से आया, सामान जमा हुआ । मैं अपनी जिन्दगी के 40—54 साल से कांग्रेस में काम करता रहा हूं, पोलिटिकल काम करता रहा हूं । हमने अपनी जिंदगी मे किसी गुरुद्वारे, मन्दिर मे ऐसे फोर्टीफिकेशन नही देखे । वह समझने लगे कि हमारा रिलीजन इस लिए बच सकता है कि हम लोगों को मारना शुरू कर दें । किसी गुरु ने नही कहा, किसी ग्रन्थ में नही लिखा । हमारे गुरु साहबान ने कहा है, गुरु ग्रन्थ साहब मे

[Shri Darbara Singh]

मौजूद है कि हम किसी धर्म के खिलाफ नहीं हैं, हम सब को साथ लेकर चलना चाहते हैं । यह रिफार्मिस्ट मूवमेंट था। धर्म में कैसे दखल दे रहे है ? मै पूछना चाहता हूं कि क्या इन्होंने सियासी ताकत हासिल नहीं की ? सरदार बलदेव सिंह डिफेंस मिनिस्टर थे, सरदार स्वर्ण सिंह फारेन मिनिस्टर आखीर साल तक रहे है। सरदार हुकुम सिंह डिप्टी स्पीकर रहे, स्पीकर रहे । हमारी बदकिस्मती थी कि उन्हें चेयरमैन बना दिया गया पार्लियामेंटरी कमेटी का । उन्होने मुझे पूछा, कहने लगे दरबारा सिंह आपके व्यूज क्या हैं सब जानते है, आप पंजाबी सूबे के खिलाफ है । मैने कहा मै पंजाबी के खिलाफ नही हूं जो फारमेशन आप कर रहे है उस के खिलाफ हूं, इस के रिजल्ट निकलेंगे, उस वक्त न पंजाब का डेवलपमेंट होगा, न पंजाब मे हिन्दू-सिख आराम मे रह सकेंगे, न सरकारें अपने पांवों पर खड़ी होंगी, वह जल्दी जल्दी गिरेंगी ।

उन्होने कहा, दरबारा सिंह, आपके जो व्यूज है हम जानते है । मैंने कहा, मैं भी आपके व्यूज जानता हूं । आइ एम सारी टु से—ही इज नो मोर—ही वाज ए फेनेटिक अकाली । सब अकाली पार्टी से आए है । यहां मैं किसी का नाम लू या मैं कुछ कह दू इससे तो आप आबजेक्शन करेंगे, लेकिन, कांग्रेसी के तौर पर यहां जो आए हैं उन का कितना स्वागत हुआ है वह मैं आज कहना नही चाहता । लेकिन क्या यह कह सकते है अकाली जिन्होंने ये सारे भेजे है । सदरदार उज्जल सिंह भी यहां आये, गवर्नर बन कर रहे, कई गवर्नर रहे, एम्बेसडर बन कर गए । यह कम बात है ? कामरेड रामकिशन और सच्चर को छोड़ कर सारे चीफ मिनिस्टर सिख हुए हैं । कौन सी बात मे डिसक्रिमिनेट किया गया है सिवाय इस के कि जब वह जो चाहता है ताकत से निकलते हैं, ताकत में होते हैं कुछ बोलते है । तीन साल सरकार इनकी रही, हमारे दोस्त जो बैठे है, सामने वह हिस्सेदार रहे हैं । उस वक्त उन्होंने आवाज नही उठाई देमाई के पास कि हमारी 45 डिमांड है, कौन सी पूरी करते हैं, कौन सी पूरी नहीं करते है, सिवाय इस के कि सिर नीचा करके काम करते रहे । तीन साल तक केन्द्र में यह रहा कि इन्दिरा जी के खिलाफ निगेटिव काम हुआ । इसी तरह वहां भी हुआ निगेटिव प्रोग्राम उन्होंने चलाया, हमारे कांग्रेसी लोगों के खिलाफ मुकदमे दर्ज किए और दर्ज कर के यह साबित करने की कोशिश की कि कांग्रेसी बड़े खराब हैं । यहा भी किया, वहां भी किया, लेकिन कोई पोजिटिव काम नहीं किया । मैं आज भी कहता हूं कि बावजूद इस बात के कि वहां हालात खराब रहे हैं—मैं अपनी बात नही कहता—इनर्जी के मामले में हम बहुत आगे गये हैं सारे हिन्दुस्तान के मुकाबले । एक साल का बजट 440 करोड़ है तो उस में से 199 करोड़ सिर्फ बिजली के लिए दिया है । वह हमारी फर्स्ट प्रायोरिटी है क्योंकि बिजली से इंडस्ट्री चलेगी, एग्रीकल्चर चलेगा । उस में बहुत काम हुआ है पंजाब मे । लेकिन वह भी बात समझनी चाहिए कि कम्युनलिज्म, फंडामेंटेलिज्म बढ़ाने का काम किन लोगों ने किया ? आज मैं बधाई देता हूं सरकार को कि उन्होंने लैंड सीलिंग का कानून पास किया । मैं समझता हूं कि यह उन पर एक बड़ी भारी चोट होगी और ये कहेंगे कि यह डिसक्रिमिनेशन है, सिखों के लॉ के खिलाफ है । लॉ की समझ नही है । लड़कियों को जायदाद न मिल पावे, यही सवाल उठाते रहते हैं मास्टर तारा सिंह के साथियों ने यहां तक कहा है कि कांस्टीट्यूशन पर हमने दस्तखत नहीं किये। दस्तखत दो आदमियों ने नही किये।

एक सरदार हुकुम सिंह ने नहीं किये और दूसरे माननीय जोगेन्दिर सिंह ने नहीं किये। लेकिन ज्ञानी गुरमुख सिंह मुसाफिर, सरदार बलदेव सिंह ने दस्तखत किये थे और उस कांस्टीट्यूशन को माना था। अगर उस कांस्टीट्यूशन को नहीं माना था तो फिर स्पीकर कैसे बन गये। हमारे हुकुम सिंह जी पहले डिप्टी-स्पीकर बने और फिर स्पीकर बने और इस के अलावा वे वहां मेम्बर भी रहे। जो यहां मेम्बर बन कर कांस्टीट्यूशन की हैल्प लेता रहा उसी की आज वह मुखालिफत कर रहा है, यह कहां तक ठीक है। मास्टर तारा सिंह ने कहा था कि मैं चाहता हूं कि जो हरिजन सिख बन जायें उन को भी उतनी ही सहूलियतें मिलनी चाहिएं कि जो आम हरिजन को मिलती है। लेकिन आज वह उसी के खिलाफ आवाज उठा रहे हैं। उन को समझ नहीं है कि वह क्या कर रहे हैं। अगर वह अकल की बात कर सकते तो अच्छा होता। लेकिन वह तो हर काम ही अकल के खिलाफ करते हैं। मैं यह अर्ज करना चाहता हूं कि यह इस लिये नहीं लाया गया है कि हम कोई एक्सटेंशन लेना ही चाहते हैं। यह कोई नहीं चाहता, लेकिन हालात की मजबूरियों के कारण यह बिल लाया गया है।

एक बात और कह कर मैं बैठना चाहता हूं। मैं अपनी अपोजीशन पार्टियों से अपील करना चाहता हूं कि हम क्यों न फंडामेंटलिज्म के खिलाफ लड़ें। जो उस के लिए काम करना चाहते हैं उन को हम छोड़ें। देश में जो रीजन के आधार पर या अपनी कम्युनिटी के तौर पर या मजहब को ले कर सरकार बनाना चाहते हैं उन के खिलाफ हम आवाज उठायें। हम देश के डवलपमेंट के लिये काम करें, न कि तोड़ फोड़ के लिये। इस लिए मैं चाहता हूं कि इस बात पर हम सब इकट्ठा हो जायें। हम को कम्युनलिज्म के खिलाफ लड़ना है। जहां कहीं यह हो वहां लड़ना है और अगर इस बारे में आप को हालात समझने हों तो आप हमारे पास बैठें। मैं आप को बता सकता हूं बहुत सी बातें। यहां हमारी बहुत सी बहिनें बैठी हैं। उनके सामने मैं सारी बातें नहीं करना चहता। जो गुजरा है उसके बारे में यहां मैं कुछ नहीं कहना चाहता। यहां पार्लियामेंटरी तौर पर मैंने अपनी कुछ बात आप के सामने अर्ज की है। इस लिए पंजाब के हालात को, मजहबी हालात को समझ कर फिर उस के खिलाफ कुछ कहें। हम देखेंगे कि उन की डिमांड क्या थी। उन की डिमांड थी कि उन को पानी चाहिए। पानी किस के लिए दो। जो बड़े-बड़े फ्यूडल हैं वह तो पानी काट लेते हैं। नहरों को काट लेते हैं। लेकिन उस को छोड़िये। लेकिन फिर भी पानी के लिए हमारी प्राइम मनिस्टर ने कह दिया कि हम इस मामले को भेजते हैं किसी रिटायर्ड जज के पास, इस के लिए कमेटी बना कर और वह इस पर फैसला कर देगा। इस के साथ ही चंडीगढ़ का मामला है। मैं फिर रिपीट करता हूं कि चंडीगढ़ का कंस्ट्रकशन हुआ था इस लिए नहीं कि वह पंजाब के साथ जाय। उस समय एक यूनाइटेड पंजाब था। उस का हिस्सेदार हरियाणा भी है। मैंने इस के लिए जो तजवीज दी थी वह यह है कि हरियाणा के साथ जो गांव लगते है वह उन को दे दिये जायें। हम नहीं चाहते कि फाजिलका और अबोहर पंजाब से अलग हो जायें, लेकिन चंडीगढ़ पंजाब को मिलना चाहिए इस के बारे में सोचा जा सकता है। लेकिन सोचे कौन ? क्या वे कि जिन्होंने तभी इस झगड़े को खत्म करने की कोशिश कभी नहीं की ? यहां से बात मान कर गये और वहां भिंडरवाले ने यह कह दिया कि तुम कौन हो फैसला करने वाले और उसके बाद ही उन्होंने कहा कि हम ने कुछ माना नहीं। यहां से मान कर जाते है और वहां

[Shri Darbara Singh]

जा कर मुकर जाते हैं। तोहड़ा साहब प्रेसीडेंट हैं । वह प्रेसीडेंट बने रहने के लिए हर बात को मानने लग गये थे और उस का नतीजा हुआ कि फौज को वहां जाना पड़ा । मैं अर्ज करना चाहता हूं कि अपोजीशन को पहले पंजाब के बारे में सारी बातें समझ लेनी चाहिए । पार्टी के नुक्ते-निगाह से आप को अपना वोट देना हो तो दूसरी बात है, लेकिन देश को कायम रखने के लिये, इस की हिफाजत के लिए आप को इसे मानना चाहिए ताकि हम इक्ट्ठा हो कर चल सकें ।

डा० शान्ति गो० पटेल (महाराष्ट्र) : प्रेसीडेंट रूल के पहले दरबारा सिंह जी की जो बात चल रही थी उसके बारे में वह बता दें ।

उपसभाध्यक्ष (श्री संयद रहमत अली) : आप उनसे मिल लीजियेगा बाद मे ।

SHRI R. MOHANARANGAM (Tamil Nadu): Mr. Vice-Chairman, Sir, it is a well-known fact that former Minister of External Affairs and our present hon. Minister for Home Affairs, Mr. Narasimha Rao, is in a position to understand exactly what the Article 356 is. It is a well known fact that there were persons who supported the article 356 and also there were persons who opposed this article 356. Knowing fully well what is going to happen on the floor of the House by the time the vote is taken, our Home Minister is very happy to see how the present amending Bill is going to be passed, but as a person who knows something about article 356, I can say that when the article 356 was being discussed in the Constituent Assembly they asked what exactly they were going to do this article. So many eminent lawyers, so many members opposed this article while some of the members did support it. If I remember correctly, by the time this article was framed, there was a very big argument and one gentleman asked, is it necessary to include article 356 in the Constitution? Pandit Jawaharlal Nehru said, when the world is in turmoil, when you are passing through a swift period of transition, what is applicable today may not be applicable tomorrow. What we do today may not be applicable tomorrow. We can do so many things today but by the time the Constitution is framed circumstances may be quite different. I do not know why after 34 years of our Constitution it is necessary for us to discuss this article 356 and to amend this article to extend the President's rule in Punjab, that too after the expiry of one year period. Sir, out of 395 articles of the Constitution, 356 has been used for more than 75 times. I do not say that the Indian Constitution is a Gospel. It can be changed looking to the circumstances. But we have to consider one thing. What is the exact purpose being served by this article 356? We say it proudly, as far as my party AIDMK is concerned, we are completely opposed to article 356. On so many occasions, in different places we have pointed out that article 356 should be completely erased or removed from the Indian Constitution. But whatever the case may be, article 356 has been used on more than 75 occasions. The same friends who say that article 356 should not be used, just three or four years back, when opportunity arose, they said that article 356 should be used to remove this Government. There are persons who say that article 356 should not be used for Punjab, but the same persons say that article 356 should be used to topple Tamil Nadu Government. There are persons who say article 356 should not be used for Jammu and Kashmir or any other State, the same persons say that this article should be used for toppling Karnataka Government. They don't want to use it for Maharashtra but they want to use it for Tamil Nadu. When that is the case, the purpose of this article 366 seems to be to use it for

political purposes, to use it to accomplish certain things. Between 1950 and 1984 we have used article 356 for more than 75 times. If I remember correctly and accurately, a Member of Parliament from our Tamil Nadu, Shri Murasoli Maran, very conveniently quoted Supreme Court Judge when Tamil Nadu Government was toppled along with eight other State Governments. When nine States were toppled in 1980, he has quoted the Supreme Court Judge, stating that if a party has secured more seats in the State Assembly but not in the Parliament or vice versa and forms a Government, the other Government should automatically resign. In other words, I can say, in Tamil Nadu if a party had secured more votes as far as Parliament elections are concerned and if it fails to secure majority for Assembly seats, the persons of that party who have been elected for Parliament seats should resign. Similarly, if they secure more votes in Parliament, but the ruling party in the State is different, they should resign because the mandate of the people is different. So, even a Supreme Court Judge has said that if a particular party in the State Assembly elections is not in a position to get majority, it should resign irrespective of the previous election results. That is what they have said. I want to know one thing. In the year 1980 the same Congress Party came to power. My party in Tamil Nadu was completely defeated. We had lost fully in parliamentary elections. But within three months we came into power. I want to pose a simple question to Mr. Narasimha Rao: were the Members of Parliament from Tamil Nadu in a position to resign their parliamentary seats? No, they were not in a position to resign.

SHRIMATI PRATIBHA SINGH (Bihar): What is he saying?

SHRI R. RAMAKRISHNAN (Tamil Nadu): He is asking a question.

SHRI R. MOHANARANGAM I am not going to accept that judgement because over the past 30 years, one by one we have seen the same ruling party having failed to achieve a majority in municipal elections, gets the same in the Assembly and Parliamentary elections. So that cannot be taken into consideration.

Sir, I want to quote the Indian Constitution. It has been said in this Bill:

> "Provided that in the case of the Proclamation issued under clause (1) on the 6th day of October, 1965, with respect to the State of Punjab, the reference in this clause to 'any period beyond the expiration of one year' shall be construed as a reference to 'any period beyond the expiration of two years'".

Now you are changing "one year" to "two years". Clause 5 of Art 356 very clearly says that where you have to go beyond one year limit and if at all you want to go beyond the one year limit, there should be two reasons. One, a proclamation of Emergency is in operation in the whole of India or, as the case may be, in the whole or any part of the State. And, two, the Election Officer should come forward stating that it is not proper time for them to conduct the elections because the situation is such. But we have not mentioned anything here. So considering all these things, considering the entire points and while we consider that Article 356 is the unwanted wheel of the coach—not only the unwanted wheel but the fifth wheel of the coach which is not necessary—I am of the view that Article 356 should not be used for this particular purpose. You can dissolve the Assembly. You can ask the President to just introduce emergency and then you can ask the President to rule the State as far as he could. But here the Assembly was not dissolved. And you are asking the President to continue for one more year in the name of emergency and all these things. I am completely opposed to Article 356. But my point is,

[Shri R. Mohanarangam]
considering the present situation of Punjab, I ask the question whether it is possible to conduct the elections there. We are not in a position to conduct elections. We have seen what has happened there. A Deputy Inspector General of Police was shot dead when he came out of the Gurdwara, thousands and thousands of persons have been killed and murdered. So we are not in a position to conduct the elections. So in any other form you may have introduced this Bill. But you have introduced in the name of emergency. So, Sir, I feel on behalf of my party that even though we feel that Art. 356 should be removed from the Indian Constitution, considering the present situation in Punjab, we support this Bill. For me country is number one. I am for the country. When I say "country" I mean the citizens of India from the lofty peaks of the Himalayas to the sacred shores of Kanya Kumari. We as citizens of India, considering the interests and importance of this country, considering the unification of the country, the unity of this country, we support this Bill, even though I personally oppose Art. 356 of the Constitution.

श्री सत पाल मित्तल (पंजाब) : जनाब वाइस-चेयरमैन सहाब, हमारी पार्टी की ओर से सरदार दरबारा सिंह जी ने काफी बातें कह दी है। मैं उनको दोहराना नहीं चाहता हूं । एक बात बिलकुल साफ है कि यह अमेंडमेन्ट जो रखा गया है, इसका मकदस यह निकालना या इसका मतलब यह निकालना कि हम पंजाब में पोपलुर रूल को फिर से लाना नहीं चाहते है, बिलकुल गलत है। इस वक्त वहां पर जिस किस्म की हालत चल रही है वह किसी से भी भूली हुई नहीं है । कल ही वाकाया है, कुछ नव-जवानों ने हमारा एक हवाई जहाज हाईजक किया । कुछ हफ्ते पहले हमारी नहर जो है उसको जगह-जगह से काटा गया । एक बार नहीं कई बार काटा गया । इसका एक ही मकसद था कि किसी तरीके से इस देश में और खासतौर पर पंजाब के हिस्से में ऐसे हालात पैदा किये जायें ताकि दुनिया को बताया जा सके कि देश के जो हालात हैं वह ठीक नहीं हैं, दुरुस्त नहीं हैं । आर्मी ऐक्शन के बाद आज तक अपोजीशन के वह नेता, अपोजीशन की वे पार्टियां जिन्होंने आर्मी ऐक्शन का स्वागत किया था, आर्मी ऐक्शन को सपोर्ट किया था, हालांकि प्रधान मंत्री जी ने यह कहा था कि मेरी सरकार को यह ऐक्शन बहुत ही दुःख के साथ और बहुत ही मजबूरी के साथ लेना पड़ रहा है और अपोजीशन पार्टियों ने, एक आप को छोड़ कर करीब-करीब सभी ने इस बात का स्वागत किया था । जैसा कि अभी अन्ना डी० एम० के० के नेता ने घुमाफिरा कर 356 धारा का आखिर में हवाला दे दिया लेकिन देश में सारी सूरते हाल को पेशे-नजर रखते हुए यह अमेंडमेंट जो सरकार की तरफ से रखा गया है इसको सपोर्ट किया है । इसी तरीके से, मैं कहना चाहता हूं कि सारी पोलिटिकल पार्टियों ने मिल कर कहा था कि पंजाब बच गया, देश बच गया । अगर देखा जाय तो यह सिर्फ पंजाब की बात नहीं है । पंजाब में कुछ अकाली, जिनको कि एक्सट्रमिस्ट या टेरोरिस्ट कुछ भी नाम दे दीजिये उनकी तरफ से यह हुआ कि पंजाब में उनकी जो नीति रही उसके कारण कई मासूम लोगों की जानें गई, ऐसे निहत्थे लोगों की जानें गई, जिनका कोई कसूर नहीं था, छोटे-छोटे बच्चे, औरतें, बूढ़े सब को निशाना बनाया गया और सब की जानें ली गई । उनका कसूर यही था कि वे एक मजहब को मानते थे । और यह सब हुआ गुरु का नाम लेकर। जिस गुरू तेगबहादुर ने अपने प्राण दे दिये धर्म की रक्षा के लिये, मानवता की रक्षा के लिये, इंसानियत की रक्षा के लिये, उसके अनु-

3 P.M.

यायियों ने उसका नाम लेने वालों ने यह काम किया जो कि गुरू की शिक्षा के खिलाफ था । अपोजीशन के कुछ भाई यहां बैठे है । आज मैं कुछ कड़वी बात नहीं कहना चाहता । लेकिन उनको भी पता है, सारे देश को भी पता है कि ये लोग वहां जाते थे गोल्डन टैम्पल में जाते थे, वहां फोर्टिफिकेशन हुआ, वहां पर हथियार इकट्ठे किये गये, लोग छिपे हुए थे, किलाबन्दी हुई थी लेकिन अपोजीशन के लोग सार्टिफिकेट यह देकर आते थे कि अंदर कोई छुपा नहीं है, न वहां कोई एक्स्ट्रीमिस्ट है और न कोई किलाबंदी है । हो सकता है कि ये भिंडरावाले से डर कर इस तरह का सार्टिफिकेट देते थे या उसके साथ मिल कर पंजाब में सियाशी खेल खेलना चाहते थे । क्या आपको पता नहीं कि ये लोग जाते थे और सार्टिफिकेट देकर आते थे । वहां एन० जी० गोरे गये । उनके साथ और भी नेता गये, सुब्रमण्यम स्वामी गये । एक बार नहीं कई कई बार जाकर एक-एक, दो-दो, तीन-तीन दिन वहां विश्राम करने के बाद प्रेस कान्फ्रेंस बुला कर उन्होंने कहा कि यहां कोई एक्स्ट्रीमिस्ट नहीं है, यहां पर कोई हथियार नहीं है । यहां जो कुछ हो रहा है यह सब सरकार करवा रही है । इससे बढ़ कर कष्टदायक बात और क्या हो सकती है कि बसें रोक ली जायें और उसमें बैठे हुए एक विशेष धर्म के लोगों से कहा जाय कि तुम उतर जाओ और उनको उतार कर उनको गोली से भून दिया जाय, मार दिया जाय । यह भी नहीं देखा जाता था कि उनका कोई कसूर भी है कि नहीं है । यहां पर कुछ ऐसे भी लोग हैं जो सरोपा लेने के लिये वहां गये और उनको यह सर्टिफिकेट दे दिया । ये जो अकाली नेता हैं वे कई बार यहां आये, कई बार उन्होंने प्रधान मंत्री जी से बात की । कितनी बार वे आये, यहां कैबिनेट कमेटी की मीटिंग हुई थी, उनसे बात हुई यहां हो करके जाते थे लेकिन अमृतसर में जाकर उसकी डर के मारे मुकर जाते थे कि हमारी कोई बात नहीं हुई । कोई भी चीज ले लीजिये, चाहे पानी का मसला हो, चाहे चंड़ीगढ़ का मसला हो और चाहे टैरीटरी का मसला हो, प्रधान मंत्री जी ने अपनी तौर पर, ये जो अपोजीशन पार्टीज के नेता लोग यहां बैठे है उनकी अपोजीशन के बावजूद कहा कि गुरूवाणी का पाठ रेडियो पर होना चाहिए और उन्होंने इसको मान लिया । लोगों ने यह कहा कि इससे दूसरे धर्मों के लोग भी ऐसी बात उठा सकते है । लेकिन प्रधान मंत्री जी ने कहा कि जो गुरूवाणी है वह सब की वाणी है, इसमें राम भी है और रहीम भी है, इसमें कृष्ण भी है और इसमें अल्ला भी हैं । इसमें भगवान के सब स्वरूप मौजूद है, इसकी वाणी आल इण्डिया रेडियो पर आनी चाहिये, इसमें कोई हर्ज नहीं है । सारी की सारी धार्मिक बातें जो प्रधानमंत्री जी ने मानी थीं उनको भी लागू नहीं करने दिया गया । वहां पर प्रचार करने के लिए कोई यन्त्र नहीं लगाने दिये गये गोल्डन टेम्पल में । एक जबान से एक ही बात करनी चाहिये । सी० पी० एम० के हमारे भाई ने कहा कि पापुलर हकूमत बनानी चाहिये दूसरी तरफ कहते हैं कि हवाई जहाज को एक्सट्रीमिस्ट्स उड़ा कर ले गये हैं । मैं उन से पूछना चहता हूं आप पहले अपना मन टटोल कर पूछ लीजिए आपका मन और दिमान या कहना चाहते हैं । मन एक बात कहता है और दिमाग एक बात कहता है इसको आप एक जगह कर लो । जब आपको पोलिटिकल मसलत नजर आती है तो कोई बात कहते है जब कभी-कभी आपको देश का ध्यान आता है तो सच्ची बात निकल जाती है । पंजाब के हालात जो हैं उनके पेशेनजर सरकार को

[श्री सत पाल मित्तल]

यह तय करना, तय कर के इस अमेंडमेंट को लाना यह निहायत सही फैसला है नहीं तो कल को आप ही कहते पंजाब के हालात और खराबियों के पेशेनजर जहां पर पापुलर सरकार नहीं बन सकती थी तो आपने पार्लियामेंट के इस इजलास में इसको अमेंड क्यों नहीं करवाया ।

[श्री उपसभापति पीठासीन हुए]

उपसभापति महोदय, सरकार ने यह अमेंडमेंट इसलिए लाया है अगर खुदा न करे ऐसे ही हालत चलते रहे जैसे कि अब हालात हैं ऐसे ही एक्सट्रीमिस्टस और टेररिस्ट जो हैं जो इस वक्त पंजाब के अमन के साथ खिलवाड़ कर रहे हैं पंजाब की शान्ति को बरबाद कर रहे हैं पंजाब के विकास का विनाश कर रहे हैं अगर इसी तरह से हालत चलते रहे तो हम को कुछ और देर जब तक हालात को काबू नहीं किया जाता उनसे निपटा नहीं जाता है तो उस वक्त तक पंजाब में ऐसे हालात के पेशेनजर यह जरूरी नहीं है कि वहां पापुलर गवर्नमेंट बने, ऐसी सूरत में 6 अक्तूबर से पहले पहले किसी ऐसे अमेंडमेंट को लाएं जो कि निहायत अक्लमन्दी और दानिशमंदी की बात थी जो सरकार को करनी चाहिये थी जो सरकार ने की लेकिन इसका मतलब खुद ही निकाल लेना सरकार चूंकि यह अमेंडमेंट लाई है इसलिए जरूरी हो गया है कि पंजाब में पापुलर सरकार नहीं बनेगी, यह गलत बात है । यह समझ कर चलना अपोजीशन का, यह बिलकुल गलत बात है । जो देश की सूरतेहाल के पेशेनजर सही फैसली होगा वह पंजाब में किया जाएगा, इसलिए आपको इस में शामिल होना चाहिये । आपने हीलिंग टच की बात की है, हीलिंग टच के लिए प्रधान मंत्री जी ने कितनी अपीलें कीं, कहा कि अकाल तख्त जो है डेमेज हुआ है जो कि किसी की मंशा नहीं थी । वह डेमेज भी कैसे हुआ सब को इल्म है कि किस तरीके से वहां बारूद था, सिक्का था, गोलियां थीं । कहा जाता है कि जब लोग चलते थे तो 6-6 इंच पांव जो थे जो गालियों के छर्रे थे बूज्ड उनमें घुस जाते थे, इतनी गोलियां वहां से चलीं थीं । आप यह अन्दाजा लगाएं कि कहां से गोलियां आईं, किस देश से आई, किस सरहद से वह गोलियां आईं यह कहने की जरूरत नहीं । आप जानते है । आप में से कुछ लोग ऐसे हैं जो इन से सरोपा ले कर ही नहीं आते जो विदेश में जा कर के भी वहां के राष्ट्रपति से मिल कर कहते हैं कि उनकी कोई मंशा नहीं है कि हिन्दुस्तान के प्रति कोई उन के मन में बैर नहीं है, कोई इस किस्म की भावना नहीं है । यह सार्टिफिकेट सिर्फ अमृतसर में ही नहीं देते यह लाहौर में देते हैं । ऐसे आदमी बैठे हैं जो सार्टिफिकेट बांटते फिरते हैं कभी अमरीका को, कभी पाकिस्तान को । उनके दुमछल्ले जो सी० आई० ए० के एजेंट हैं हिन्दुस्तान में घूम रहे हैं जो हिन्दुस्तान को डिस्टेबलाइज करना चाहते हैं जो नहीं चाहते कि यह देश गांधी और नेहरू का देश अमन और शान्ति का पैगाम देने वाला देश है जिसकी नेता प्रधान मंत्री इन्दिरा गांधी जो संसार के 113 देशों की नेता हैं वह नेता अमन और तबाही के दरम्यान एक सुदृढ़ स्तम्भ बन कर खड़ी हुई हैं । जो यह नहीं चाहते कि संसार में अमन हो, हिन्दुस्तान को वे कमजोर करना चाहते हैं मैं कह देता हूं कि यह छोटी बात नहीं है । पंजाब की बात नहीं किसी गुरुद्वारे की बात नहीं, किसी मन्दिर की बात नहीं बात यह है कि इन्दिरा गांधी मजबूत रहे, हिन्दुस्तान मजबूत रहे, यह देश अमन का अमल उठा कर सारे संसार को रोशनी दे । जिन ताकतों को यह

मंजूर नहीं है वह कभी खिलवाड़ कर रहे हैं पंजाब में कभी आसाम में करते हैं । मैं अपने अपोजीशन वाले भाइयों को कहना चाहता हूं कि इस जाल में मत फसों । जो जाल फैलाया जा रहा है सिर्फ अपने सियासी फायदे के लिए देश की बरबादी का कारण नहीं बनना चाहिये और मैं अपोजीशन पार्टियों को निमन्त्रण देता हूं कि देश की एकता, देश की अखण्डता और देश को मजबूत करने के लिए सब को मिल कर प्रधान मंत्री जी के साथ खड़ा होना चाहिये और इन शब्दों के साथ मैं यह जो अमेंडमेंट है इसकी पुरजोर ताईद करता हूं और समझता हूं कि यह वक्त की पुकार है । हमारे होम मिनिस्टर बधाई के पात्र हैं जो यह अमेंडमेंट ले कर के आए हैं। इतने शब्दों के साथ मैं आपका शुक्रिया अदा करता हूं ।

MR. DEPUTY CHAIRMAN: Dr. Shanti Patel.

DR. SHANTI G. PATEL: Mr. Deputy Chairman, Sir, we are considering the Bill which seeks to amend the Constitution particularly article 356 and in respect of the sub-clause (5), provision which lays down the period for which the President's rule can be had.

Sir, any change in the Constitution needs to be considered very seriously and should not be made frequently and lightly. Even in this case it is much more so, because article 356 is the basis of the federal structure that we have in our Constitution under which we are governing this country. That is why it is very necessary that whenever we think of this particular Article, its various provisions and even the application of this Article, we have to think very seriously.

Sir, as it has been said, and it was said at the time of adoption of the Constitution, that this is one thing which might come in the way of democratic working, autonomous working of the various States. Sir, this is something which seeks to restrict the functioning particularly autonomous functioning of a State—and that is why there were persons who had advocated at that time and are advocating till now that this Article should not find any place in the Constitution. I am one of those who do not find myself in agreement with that proposition. But I would certainly like to plead! with all emphasis that it should be very rarely and exceptionally used. If President's rule has to be there inevitably, it has to be there only for the shortest possible period. There is to be the way in which the provisions of this particular Article needs to be implemented. Sir, what do we find here? Here, it has been stated in the Statement of Objects and Reasons:

> "Although the Legislative Assembly is in suspended animation and a popular government can be installed, having regard to the prevailing situation in the State, the continuance of the Proclamation beyond 5th October, 1984 may be necessary."

Sir, no effort has been made to explain what is the prevailing situation? One can even have all sorts of interpretations and meanings of the adjective word prevailing which precedes the situation. Even the Hon'ble Minister for Home Affairs, while introducing and while placing this Bill for consideration by this House has not thought it proper to explain this particular adjective in detail.

Sir, it has been the claim of the Government that normalcy has returned or we are just near normalcy. Then, why is it necessary to have this particular amendment and have this prolongation, much more so, a clause which restricts further the autonomy, where, the real popular rule can be

[Shri Shanti G. Patel]

established or continued. Why this particular clause needs to be amended? The people's will cannot last, they cannot govern in the way they would like to.

Sir, I asked Mr. Darbara Singh, whom I hold in very high esteem, I do not know him personally, but certainly I have heard about him for many years as a freedom fighter and as to how he was running the Ministry or the Government as the Chief Minister particularly in comparison with the President's rule. I believe, he was not doing that bad as compared to the President's rule. Because after one year's rule we have to go again for another year, that itself is a reflection on the way in which the Government is being run there.

Sir, just now my procedessor spoke in the loudest possible voice, may be because of the presence of the Prime Minister in this House, that so many atrocities are being committed and that the Opposition is behaving in this way and that way. I do not want to cross swords with him because he was shouting without any point. But suppose the situation is bad and the terrorists are taking advantage of it, and canals are being breached and murders, assaults, atrocities, all these things are going on, it is very necessary to go into the genesis of the whole thing, instead of just trying to suppress with an iron hand the development which have unfortunately followed there. Sir, I am one of those who condemn the terrorists' activities. I have absolutely no hesitation whatsoever in doing so. But the million dollar question is, is this the only answer? Is the army rule the answer to the prevailing situation there? It needs to be solved only politically. The aspirations of the Sikhs have to be properly understood. They have been a valiant people who have contributed towards the achievement of India's independence. Sir, in every walk of life in this country, we find a Sikh coontributing in his own way. This being so, we have to be considerate. They are part of the nation and they have to be treated as part of the nation. It is in this line that we have to approach the problem. There is an agitation going on for 2½ years and still we do not find any end in sight, particularly in respect of the settlement of the basic issues that were raised then.

Sir, whether the army rule should remain or not, or how long the army rule is to remain, is for the Prime Minister to decide because she was responsible for sending the army there. I have nothing to say about that because now a situation has been created where a dilemma exists whether to withdraw the army or not. But it is for her to resolve it. What I would like to say, while concluding, is, why not have the Assembly, which is kept in suspended animation, life without activity, really functioning with an elected Chief Minister. May be they find it difficult to find a Chief Minister, but I am sure they can resolve this particular issue. Maybe they can send Mr. Darbara Singh back to Punjab to handle these affairs. It is for them to decide. I am nobody to give them advice. But I would certainly like to say that with 65 out of 117 members at their disposal, at their command, it should not be difficult for them to do it. If the army is to remain and if action is to be taken against terrorists or some other elements, is it not possible to do it when a popular State Government is there? Is it possible only if President's rule is there? This way we are throttling democratic working. (*Time bell rings*) I will conclude in a minute.

Sir, I was listening carefully to the speech of my learned friend, Mr. Darbara Singh who spoke on every matter except on the amendment itself. Whatever that may be, now what is the remedy? Is the remedy the continuation of President's rule? That is the question that we are re-

uired to answer when we are considtring this particular Bill. That is the main thing, and that is where we are required to say "yes" or "not".

MR. DEPUTY CHAIRMAN: Please conclude.

DR. SHANTI G. PATEL: I want to say that when I was hearing my good friend, the leader of the AIADMK, I was reminded of the plight of a person who was riding a motor bicycle—because two-wheelers are very common—when unfortunately one wheel broke away and he did not know in what direction he would go because the two wheels were going in different directions.

SHRI R. MOHANARANGAM: I was very accurate about which way I was travelling.

DR. SHANTI G. PATEL: He started by going in one direction and ended by going in another direction.

SHRI R. MOHANARANGAM: I have ended in the correct direction.

MR. DEPUTY CHAIRMAN: Please conclude now, Mr. Patel.

DR. SHANTI G. PATEL: I did not want to indulge in this but there was a reference made that there were persons in the Opposition who said that there were no weapons and no criminals in the Golden Temple. But is it not true that the IGP, Mr. Bhinder, who was sent there by your Government, said in so many words that there were no criminals in the Golden Temple complex and no weapons? He was the man to say it. Of course, they were found later on. That is a different story. As I said, I am not one of those who support these activities...

MR. DEPUTY CHAIRMAN: Please conclude.

DR. SHANTI G. PATEL: Just a minute. My last submission is that religion should not be mixed with politics. I entirely agree with this. But I would like to know what the Prime Minister herself did when she went to the gurdwara in a Punjabi dress and conceded the religious demands of the Sikhs? Now, this is not the way we should preach secularism and practise it in some different way.

Therefore, I would like to oppose this amendment but still plead with the Home Minister to withdraw this particular amendment and all the popular Government to run the State.

श्री अश्विनी कुमार (बिहार) : माननीय उपसभापति महोदय, पंजाब के अंदर राष्ट्रपति शासन एक वर्ष के लिए और बढ़ाने की अनुमति मांगने के लिए आज सरकार सदन के सामने आई है । वहां पर एक वर्ष का जो राष्ट्रपति शासन हो गया , उसकी क्या उपलब्धियां हैं ? हमारे वरिष्ठ मित्रों ने वहां से बताया कि वहां क्या स्थिति है । उसके पूर्व वहां पर उसी दल का शासन था, जो आज हमारे यहां सत्ता में है । सन् 1980 के बाद से वही शासन रहा है । वहां यह स्थिति क्यों उत्पन्न हुई क्या यह स्थिति रोकी नहीं जा सकती थी । यह कुछ प्रश्नवाचक चिह्न हमारे सामने हैं ।

आज उपसभापति महोदय पंजाब के लिए यह बिल लाया जा रहा है । तो जबकि वहां विधानसभा मौजूद है, एम० एल० ए० को रोके हुए हैं किसी समय आप सरकार बना सकते हैं लगभग दस महीने बीत गए हैं एम० एल० ए० घूम रहे हैं । तो मेरा एक निवेदन है कि वहां पर सरकार बनाए कांग्रेस । मेरे मित्र ने कहा कि मुख्यमंत्री का अगर झगड़ा है । मैं जानता हूं । अभी अभी हमारे सदन से हमारे एक वरिष्ठ सदस्य को भेजा गया है उत्तर प्रदेश में मुख्यमंत्री बनाकर । प्रधानमंत्री के पास, कांग्रेस पार्टी के पास बहुत नेता हैं किसी को पंजाब भेजे और कहे कि वह संभाले और सरकार चलाए परन्तु जिस प्रकार से यह लाया जा रहा

[श्री अश्विनी कुमार]

है, यह आने वाले समय के लिए देश के लिए कोई अच्छा प्रिसीडेंट नहीं है । जहां समस्या इससे अधिक विकट थी, पिछले वर्ष ऐसी समस्या आसाम में थीं । बातचीत हो रही थी, असेम्बली भंग हो चुकी थी कुछ ही दिन रह गए थे । हमने कहा कि वहां एक साल की अवधि बढ़ाई जाए । लेकिन वहां नहीं बढ़ाई गई । परिणाम हुआ कि चुनाव का जो वहां मूल्य चुकाना पड़ा वह सबके सामने है, हजारों जाने गयीं जो कटुता उत्पन्न हुई वह आज तक समाप्त नहीं हुई है । उस कटुता को समाप्त करने के लिए इनफिल्ट्रेशन को समाप्त करने के लिए केन्द्रीय सरकार ने जो कदम उठाए हैं वे सब असफल रहे हैं ट्रिबुनल असफल रहे हैं सब असफल रहे हैं । शायद पापुलर गवर्नमेंट चुनाव नहीं कराती तो अच्छा होता । परन्तु ऐसा लगता है कि निर्णय देश हित के तराजू पर नहीं तोले जा रहे हैं बल्कि पार्टी के तराजू पर तोले जा रहे हैं । अगर देश हित में होते अगर हमें कंवीन्स करा सकते तो हमें इसमें कोई एतराज नहीं होता । जिस ढंग से दोनों प्रकार के समानांतर उदाहरण मैंने आपके सामने रखें । तो हमारी समझ में नहीं आ रहा वैसे बहुत सी बातें बताई गयीं, ढाई साल में वहां क्या हो गया ? आर्मी को वहां जाना पड़ा और आर्मी को जब जाना पड़ा तो जो घटनाएं हुई, उसको मैं दोहराता नहीं हूं । इस बारे में मेरे मित्रों ने बहुत कुछ कहा है । उसके बाद सबने स्वीकार किया है सारी पार्टियों ने स्वीकार किया है कि अकाल तख्त के ध्वस्त हो जाने हरमंदिर साहब में सेना जाने पर सिख समाज के मन पर चोट लगी है, सारे सिख समाज के मन पर चोट लगी है । चाहे वह किसी दल के हों, कही भी हों, किसी प्रदेश में हो इस बात को सभी ने स्वीकार किया है और इस बात को स्वीकार करते हुए प्रधानमंत्री ने कहा है कि हीलिंग टच दे रहे हैं । उपाध्यक्ष महोदय, मैं निवेदन करना चाहता हूं कि अपना अनुभव मुझे लगता कि आज पंजाब में जाकर हीलिंग टच नहीं हो रहा, शायद घाव के ऊपर कोई मलहम लगाने के बजाए उसको साफ करने के लिए टिंचर लगाया जा रहा है . . . **(व्यवधान)**

उपसभापति महोदय, मैं अपनी बात कह रहा हूं जो अपनी आंख से देखकर आ रहा हूं । इन मित्रों ने तो अपने-अपने अनुभव कहे हैं । वहां पर जो पुरानी परम्पराएं हैं सिख समाज की कारसेवा के बारे में और जो आज तक गुरुद्वारा प्रबंधक कमेटी का एक्ट है, उसके अनुसार कार-सेवा गुरुद्वारा प्रबंधक कमेटी के माध्यम से होनी चाहिए उसकी 56वीं धारा के अनुसार अभी तक वह एक्ट मौजूद है । सरकार ने उसे स्वीकार किया है । जिस दिन कंस्टीट्यूशनल अमेंडमेंट कर दिया जाए तो ठीक है । लेकिन आज उनका सहयोग नहीं लिया जा रहा है और बहुत दिनों से कहा गया कि हम बाबा खड़क सिंह से कराना चाहते थे । आज बाबा संता सिंह जी ने कारसेवा आरंभ की । वह वहां के सदस्य है । परन्तु मैंने अनुभव किया कि आज भी सिख समाज उस कारसेवा को अपनी नहीं समझ रहा है वह इसको सरकारी सेवा समझ रहा है । मैं भी एक दिन हरमंदिर साहब के दर्शन करने गया । बहुत बड़ी लाईन लगी हुई थी गुरुद्वारे में जाने के लिए, दर्शन करने के लिए । उन लोगों से बात हुई तो उन्होने कहा कि सबेरे पांच से सात बजे तक दर्शन कर सकते हैं बाकी दिन नहीं कर सकते है । बाकी दिन में अगर करना हो तो उनको कारसेवा में से होकर जाना पड़ता है ।

उपसभापति महोदय, मैं आपके माध्यम से सदन से निवेदन करना

करना चाहता हूं कि जब मैं स्वयं हरमंदिर साहब में घूम रहा था, अकाल तख्त के पास घूम रहा था तो जो श्रद्धालु वहां आ रहे थे एक-एक गोली से जहां-जहां चोट लगी थी, उसको हाथ फेर कर देख रहे थे और लग रहा था कि जैसे घाव उनके दिल में लगा हो, परेशान हो रहे थे कि यह क्या हो रहा है . . . (व्यवधान) आप भी घाव लगा रहे हैं क्या मेरे को। मैं उनके घाव का वर्णन कर रहा हूं . . . (व्यवधान)

उपसभापति महोदय, मैं आपके माध्यम से अपने मित्रों से निवेदन करना चाहता हूं कि उसमें मैंने कौन सी गलत बात कही है . . . (व्यवधान) . . . मैंने अपना अनुभव कहा है मैंने गलत नहीं कहा है अनुभव कहने का अधिकार है . . . (व्यवधान) . . मैंने यह नहीं कहा कि आपने घाव लगाया है, यह बिल्कुल नहीं कहा है . . . (व्यवधान) . . .

श्री उपसभापति : समय बहुत कम है। आप जल्दी खतम करें।

श्री अश्विनी कुमार : उसके बाद जो वहां पर शासन के अंदर सुधार लाना चाहते थे। पांडे साहब गए, पी० एस० भिंडर, हमारे केन्द्र के अच्छे पदाधिकारी हैं, वे वहां भेजे गए। जब तक वहां शासन रहा उनका व्यक्तित्व हमारे शांति भाई ने कोड किया। परन्तु आज कहा जा रहा है कि हमारी इंटेलीजेन्स फेल्योर हुई। बहुत सारी मेरी व्यक्तिगत जानकारी है इंटेलीजेन्स फेल्योर नहीं हुई। सब को पता था कि क्या हो रहा था। मैं एक-दो वर्णन कर देना चाहता हूं। जिस दिन 37 स्टेशन फूंके गए। आम लोगों को पता था कि स्टेशन फूंके जाने वाले हैं। मेरे एक व्यक्तिगत मित्र गए हुए थे उनको बताया उनके घर के लोगों ने गांव के लोगों ने कि आप यहां से चले जाइए, स्टेशनों के ऊपर अधिकार होने वाला है। इंटेलीजेन्स के ऊपर, जो हमारे शासन का प्रमुख अंग है बहुत महत्वपूर्ण अंग है, जो आंख और कान का काम करती है, जिसकी जुबान नहीं है, उस पर लांछन लगाकर अपने कामों को उस पर डालना उचित नहीं है और जो वहां प्रशासन को सुधारने की बात की जा रही है...

श्री उपसभापति : आप समाप्त करिए...

श्री अश्विनी कुमार : समाप्त कर रहा हूं, सर। शासन को सुधारने के लिए कुछ नए अफसर लाए जा रहे हैं। परन्तु जो पुराने अफसर थे क्या किया उन्होंने लगातार तीन वर्षों से बढ़ते गए यह; तो क्या किया गया ? अगर नहीं किया गया, तो उसके आज सारे परिणामों को भुगतना पड़ रहा है हमें और आज ऐसे नियम आ रहे हैं कि हम बाहर से ले जाएंगे। क्या उस समय बाहर से अनन्य प्रांतों से नहीं आए जो पंजाबी थे, सिख थे क्या उनको गलत ढंग से नहीं बसाया गया ? उनको ले जाकर जो काम किया गया; क्या वह नहीं हुआ ? आज जो कार सेवा हो रही है, मैं निवेदन करना चाहूंगा आपके माध्यम से कि एक चीज कोड करके कार सेवा के बारे में मैंने कहा, तो मेरे मित्र नाराज हो गए।

तो कार सेवा के बारे में एअर-चीफ मार्शल अर्जुन सिंह क्या कहते हैं ? वह मैं आपके सामने रख देना चाहता हूं। उनसे दिनमान द्वारा पूछा गया कि --"स्वर्ण मंदिर में में बाबा संता सिंह द्वारा की गई कार सेवा के बारे में आपकी क्या राय है ?" एअर चीफ मार्शल अर्जुन सिंह का जवाब है "सिखों--की बहुत-बहुत मान्यता है कि निहंग बाबा इंका की शह पर यह कार सेवा कर सिखों को पुनः एक बार अपमानित और तिरस्कृत कर रहे हैं। इस कार सेवा का प्रतिकूल

[श्री अश्विनी कुमार]

प्रभाव पड़ेगा और सिखों के मन में उभरे जख्म भरने के बजाय नासूर बनेंगे।

निहंगों की संख्या कितनी है ? मुश्किल से एक हजार सिखों में एक निहंग होता है। उसे सिखों का नुमाइंदा तो नहीं कहा जा सकता। यह एक अवकाश प्राप्त सेना के जनरल की भाषा है।

इसलिए मैं आपके माध्यम से अंत में सदन से अपील करूंगा कि पंजाब के अंदर जब तक भिंडरांवाले थे, तब तक भिंडरांवाले टेरोरिस्ट थे। आज एक्शन के बाद भावना हिन्दू और सिख की अलग होती जा रही है आपस में दूराव बढ़ रहा है। मैं आपके माध्यम से निवेदन करना चाहूंगा कि सरकार इस प्रकार के कदम उठाए, जिससे यह भावना एक हो, दोनों अपने आपको भारतमाता की दो बांहें माने और आज जो दोनों के बीच भेद उत्पन्न हो रहा है, दूर हो, एक बनकर हमारे उत्तर-पश्चिम की बाजू बनकर सुदृढ़ खड़े हों। यही मैं आप से निवेदन करना चाहता हूं और यह जो बिल लाया गया है, इसका विरोध करता हूं।

श्री जे० के० जैन (मध्य प्रदेश) : मेरा एक प्वाइंट आफ आर्डर है।

श्री उपसभापति : अभी यादव जी को बोलने दीजिए।

श्री जे० के० जैन : मुझे आप मौका दीजिए। मैं आधा मिनट लूंगा। आप मेरी बात सुन तो लीजिए। मेरा आप से निवेदन है कि पंजाब का मसला इतना गंभीर मसला है कि आप उन सदस्यों से निवेदन करें कि इस तरह से भड़काने वाली बातें वे न करें। यदि सचमुच में यह बात उन के मन में हो **(व्यवधान)** तो भी जिस प्रकार से उन्होंने झूठे आरोप लगाये हैं और झूठी बातें कही हैं उन को आप रोकिये। हमें आशा थी कि आप उन को रोकेंगे। लेकिन आप ने उन को एक दफे भी नहीं रोका। इसलिये मेरा ऐसा निवेदन है। **(व्यवधान)**

श्री उपसभापति : आप बैठिये। आप बैठिये। Let **(व्यवधान)** nothing of what Mr. Jain says be recorded.

SHRI J. K. JAIN: *

श्री हुक्मदेव नारायण यादव (बिहार) : माननीय उपसभापति महोदय, सदन में जिस गंभीर विषय पर चर्चा हो रही है, मुझे खुशी है कि उस चर्चा को सुनने के लिये हमारी प्रधान मंत्री जी भी यहां बैठी हुई हैं और जब प्रधान मंत्री जी खुद यहां बैठी हो, जो सरकार की प्रधान है और देश के लोग जिन को नेता भी मानते हैं, उन को विश्वास है कि देश का विश्वास उन में है, तो उन के रहते हुए किसी दूसरे आदमी को आवश्यकता नहीं है कि उन की ओर से कोई जवाब दे। हमारे गृह मंत्री जी सक्षम हैं विद्वान हैं, विवेकशील हैं और वह हर प्रश्न का उत्तर देने में सक्षम हैं और जब वह बैठे हैं तो हम माननीय सदस्य से यह अपेक्षा नहीं करते कि वह हम लोगों को रोकें हम अपनी भावना को आप को नहीं सुनाने आये हैं। हम सरकार के और सरकार के प्रधान के सामने अपनी भावना रख रहे हैं। इस बात पर मुझे एक कहानी याद आती है कि किसी राजा के यहां एक सुग्गा था बहुत सुन्दर। राजा ने बड़े प्यार से उस को पाल पोस कर रखा था। राजा ने कहा था कि उस तोते के मरने की सूचना जो मुझे देगा उस को मैं फांसी खींच दूंगा। एक दिन संयोग था कि वह तोता मर गया और जो उस का पहरेदार था वह

*Not recorded as ordered by that Chair.

सोचने लगा कि कैसे इस को सूचना राजा को दी जाय । वहां तो सूचना देने पर फांसी लगने की बात थी । इसलिये वह राजा के पास गया और राजा ने पूछा कि कहो, तोते का क्या हाल है? पहरेदार ने जवाब दिया कि महाराज, तोता तो अपने पैर ऊपर उठाये हुए हैं । उस का मुह खुला पड़ा है और वह न हिलता है और न वह डुलता है । राजा ने पूछा कि आखिर उस को हुआ क्या? पहरेदार ने जवाब दिया कि उसे हुआ कुछ नहीं है, लेकिन वह न बोलता है, न हिलता डुलता है, न बात करता है, न पानी चाहता है न दाना । राजा ने कहा कि क्या वह मर गया तो पहरेदार ने कहा कि यह तो हुजूर ही कह सकते हैं, मैं कैसे कहूं । तो आज देश के सामने जो समस्या है, जो सवाल है उस के बारे में सच्चाई की बात हम अपने दिल से करते हैं । हम विरोधी पक्ष के जरूर हैं लेकिन विरोधी पक्ष में रहते हुए अगर हम अपनी भावनाओं को जिस दल के हाथ में सत्ता है, जिस दल के हाथ में प्रशासन है उस के सामने नहीं रखते, सच्चाई और विश्वास के साथ नहीं रखते तो जनता को जो हम में विश्वास है वह नहीं रह जायगा और हम अपने कर्तव्य को पूरी तरह से अदा नहीं कर पायेंगे । हम ऐसा न कर के अपने विरोधी पक्ष के फर्ज को अदा करने में चूकेंगे और इसके लिये इतिहास हमें कभी माफ नहीं करेगा कि विरोधी पक्ष में होने के बाद भी हम ने सरकार के सामने सच्चाई को नहीं रखा । हो सकता है कि विरोधी पक्ष जो बातें आपके सामने रखता है उस में गलती हो, वह सूचनायें गलत हों, लेकिन आप के पास तो सी आई डी है, पोलिटिकल विंग है, आप के पास में रा है, आप के पास पुलिस है, आप के पास सेना है, आप के पास पलटन है, लेकिन इन सब के बाद भी हम कहते हैं कि सरकार केवल कान से सुनती है और विरोधी पक्ष सरकार को आंख से दिखाने का काम करता है । मैं चाहता हूं कि आप केवल कान से सुनकर काम न करें, आप आंख से देखने का भी काम करें क्योंकि कान के बल पर चलेंगे तो चाहेंगे कुछ और हो जायेगा कुछ और । हमारे दरबारा सिंह जी अभी बोल रहे थे । वे बड़े पुराने सदस्य हैं । मुझे उन के प्रति बड़ी श्रद्धा और सम्मान है । मैं उन को ध्यान से सुन रहा था जो कहानी वह सुना रहे थे, वह सुन रहा था । वह किस को सुना रहे थे? जिस समय पंजाब में ये सारी घटनायें हो रही थीं जब वहां लूट-पाट, चोरी, डकैती, आतंक व्यभिचार और बलात्कार का बोल बाला था उस समय प्रशासन दरबारा सिंह जी के हाथ में था । आज नहीं तो कल इतिहास इस बात का जवाब चाहेगा, वह जवाब न दें तो न दें, सदन में न दें, हम से छिपा कर रखें लेकिन किसी न किसी दिन तो इतिहास के पन्नों से सच्चाई निकल कर सामने आयेगी । माननीय दरबारासिंह जी उन आतंकवादियों से निपटना चाहते थे तो इनको रोकने वाले कौन से हाथ थे ? इनको रोकने वाली ताकतें कहां थीं ? जब हरमिन्दर के अन्दर, अमृतसर के गुरुद्वारे के अन्दर, स्वर्णमंदिर के अन्दर बम, बन्दूक पिस्तौल और हथियार जाते थे, माननीय दरबारा सिंह जी से मैं पूछना चाहता हूं कि इनको रोकने वाली कौन सी ताकतें थीं, इन मजबूत हाथों को रोकता कौन था ? क्यों नहीं उन हथियारों को अन्दर जाने से रोका जाता था ? जिस समय सारा काम वहां हो रहा था, उस समय माननीय दरबारा सिंह जी इस्तीफा दे करके भारत सरकार

[श्री हुकमदेव नारायण यादव]

को कह सकते थे कि मेरे रहते हुए भी पंजाब की समस्या का समाधान नहीं हो सकता, इसलिए मैं इस्तीफा दे रहा हूं और भारत सरकार से कहता हूं कि वह अपने हाथ में शासन ले ले, सेना के हाथ में शासन दे दे । इन दोनों में से कोई बात नहीं हुई । बताइये अपराधी कौन था ? या तो आप अक्षम थे तो स्वयं हट जाते, अगर आप सक्षम थे तो केन्द्रीय सरकार की मदद से वहां उन ताकतों से निपटते, आपको पूरा मौका था । मुझे विश्वास है कि दरबारासिंह जी अपनी स्वतंत्र इच्छा के अनुसार उन आतंकवादियों से निपटना चाहते थे परन्तु कोई गुप्त हाथ रोक रहा था ।

दूसरी बात मैं यह कहना चाहता हूं, जो कि हमारे माननीय सदस्य ने उठाई, कि अगर आपको विश्वास है कि संतासिंह के पीछे सम्पूर्ण सिख समुदाय का विश्वास है और सिख समुदाय संतासिंह को मान रहा है, तो सन्ता सिंह के हाथ में पंजाब का शासन दे दीजिए । क्यों आप घबराते हैं, उन्हें सुपुर्द कर दीजिए । लेकिन आप ऐसा नहीं करगें । उपसभापति जी, देश तब बिगड़ता है जब सत्य के खिलाफ असत्य को खड़ा किया जाता है । पंजाब उसी दिन जला था जिस दिन सत्य के मुकाबले में असत्य खड़ा हो रहा था । आज देश की मान्यतायें बदल गई हैं । जहां बंदूक का कारखाना बनाने वाला ब्रह्मचारी कहलाता है, जो खून करे, लहू बहावे वह सन्त कहलाता है और जो औरतों का शील हरण करे वह इस देश में सदाचारी कहलाता है । सारी उपाधियां उनको मिलती रहती हैं । मैं प्रार्थना करता हूं कि अगर देश में आज ऐसी स्थिति पैदा हुई है तो उसके लिए अपराधी कौन है ? मैं फिर आपसे निवेदन करना चाहता हूं कि माननीय चौधरी चरण सिंह, अटल बिहारी वाजपेयी वो ऐसे नेता हैं जिन्होंने शुरू में ही कहा था कि पंजाब की समस्या से निपटो । शुरू में ही कहा था कि वहां सेना भेजो । लेकिन इस सरकार ने कहा कि स्वर्ण मंदिर में पलटन को नहीं भेजेंगे । आज भी हम मानते हैं कि चाहे मुसलमानों की मस्जिद हो, चाहे हिन्दुओं के मंदिर हों, अगर वहां अपराधी हैं तो सेना को उसमें जाने का हक है । कानून की व्यवस्था और संविधान के ऊपर कोई भी नहीं है चाहे वह मंदिर हो या गुरुद्वारा हो या मस्जिद हो । लेकिन आपको किसने रोका था ? जिस दिन हम कह रहे थे कि वहां सेना भेजो आप कहते थे कि हम गुरुद्वारे में सेना को नहीं जाने देंगे । आखिर आपने सेना को वहां जाने दिया । आप जो भी चाहें विरोधियों के प्रति आरोप लगा दो, लेकिन सब कुछ कुकर्म आपकी आंखों के सामने होते रहे, आपने सेना अब भेजी है, भेजिए और ताकत से उनके साथ निपटिये । लेकिन इस संविधान में संशोधन करके जो आप यह कहना चाहते हैं कि एक साल नहीं, दो साल, दो नहीं चार साल, चार नहीं 5 साल केन्द्र के हाथ में पूरी ताकत दो, संपूर्ण सत्ता दो तो याद रहे कि भारत जो एक संघ राज्य के रूप में काम कर रहा है, विभिन्न धर्मों, विभिन्न संप्रदायों, विभिन्न विचारों, विभिन्न जातियों और क्षेत्रों के लोगों का जो समन्वय करके बना है, वह नष्ट हो जाएगा । राष्ट्रीय आन्दोलन के दौरान हमारे विभिन्न संप्रदाय के लोगों ने, नेताओं ने बैठकर, सोचकर लोगों से वायदा किया था उसको भंग करेंगे तो देश की एकता टूटेगी जिसकी जिम्मेदारी आपके ऊपर आएगी । मैं सत्तारुढ़ दल से, प्रधान मंत्री जी से प्रार्थना करता हूं कि हम पर

जितनी जिम्मेदारी है उससे ज्यादा जिम्मेदारी आपके ऊपर है क्योंकि राष्ट्रीय स्वतंत्रता संग्राम में देश को आजादी दिलाने के लिए आपके पूर्वजों ने भी बलिदान किया है, आपके दादा जी ने, आपके पिता जी ने भी बलिदान किया था । भारत की एकता, भारत की अखंडता के लिए जो इतिहास उन्होंने बनाया, अगर यह देश टूटेगा तो दुनिया हंसेगी कि पंडित नेहरू ने देश को आजादी दिलाने के लिए और एक रखने के लिए ऐतिहासक कार्य किया, उनकी बेटी ने देश को तोड़ तोड़ कर, टुकडे-टुकड़े कर दिया । इतिहास आपको माफ नहीं करेगा, नहीं करेगा, नही करेगा ।

SHRI M. KALYANASUNDARAM (Tamil Nadu): Mr. Deputy Chairman, Sir, this is a limited amendment including a Proviso to Article 356. According to the wording of the Proviso, it is limited only to the promulgation issued by the President in October, 1983 and it looks as if it will expire on 5th October, 1985. That is how I understand the limited purpose of this amendment. Although I would not like to go into the philosophy or the politics behind Article 356, I would say that it is a very sensitive article concerning Centre-State relations. So, we should not frequently play with such an article.

In this case also, I would ask the Home Minister, the Prime Minister and my Congress friends to examine whether this amendment will help them to create confidence in the minds of the people, whether Sikhs or Hindus, in Punjab and whether the Government has come forward with the healing touch that the Prime Minister offered or whether this amendment will only strengthen the hands of those who are interested in continuing tension and uncertainty in that State. This is how it should be examined. My party feels that it will not be helpful and so I have to oppose this amendment.

Whatever it is, the Army action was by and large welcomed by all. Whatever might have been our criticism about the circumstances and conditions which led to the Army action, on the question of Army action itself there was full support in the country The Army also deserves all praise for the way in which they handled, although some innocent lives had to be sacrificed. That sacrifice might have been necessary so that innocent lives may not be lost at the hands of the terrorists in future. One thing was clear from the Army action and it is that the Golden Temple had been functioning as a parallel government with a parallel Army of terrorists well trained by the deserters from the Indian Army and some foreigners. That means that there have been two governments. Even earlier, when Shri Darbara Singh was the Chief Minister, there have been two governments, one led by Bhindranwale inside the Golden Temple and the other in Chandigarh led by Sardar Darbara Singh. Instead of taking action against the parallel government—I do not wish to embarrass Sardar Darbara Singh—he was victimised.

SHRI DARBARA SINGH: We sacrificed.

SHRI M. KALYANASUNDARAM: You sacrificed. I appreciate your sacrifice. You sacrificed your Chief Ministership in the hope that it will ease the situation. Did it happen? In the same way, will this happen? By passing this amendment or by moving another Resolution in the light of this amendment to extend for one more year, will normalcy be restored in the State and will the people have the healing touch which was offered after the Army action? That is my question.

I was listening to my friend whom I respect very much. Will Shri Darbara Singh come out with some

(Shri M. Kalyanasundaram)

suggestions for giving confidence to the people and restoring normalcy in the State? After the Army action, the most urgent thing is to rebuild the Akal Takht, the place of worship respected by all Sikhs and even Hindus to its original glory and grandeur. That is the urgent thing. That also has become a matter of controversy now. Regarding the Kar Seva who is to the Kar Seva? It looks there are people who are not interested in re-building the Akal Takht speedily, and they want to delay it. Any attempt either directly or indirectly to delay the reconstruction of the Akal Takht and restoring it to its original position will be very harmful and not in the interests of the Sikhs themselves. So, how to resolve this question? We should do it in a united way. All the Sikhs must unite. Why? Even the Hindus must join their hands. Sikhism is the one religion which allows any human being with a headdress to enter the Gurudwaras and do service there. So, that is a very urgent matter and the Government should appear that it is impartial and that it is not taking sides. They should approach all sections and try to rebuild the Akal Takht in a united way speedily. This is one of my suggestions. (*Time bell rings*).

Then, Sir, what about the demands? Should they also wait for a settlement? Should they have to wait till all the leaders of the SGPC who are in jail on various charges or some other leaders of the Akali Dal, who may be in jail, are released? About that there is no possibility, so far as I could see. Because, I am not in a position to demand that the Army should be withdrawn from the entire Punjab, looking at what happened yesterday, and who has hijacked and what is the solution they have given? Who are the persons responsible for hijacking and which are the countries to which they are going with confidence? These things must remind the nation, must warn the nation and all sections of the people, and all the political parties which are interested in the unity, independence and security of the country that the danger is not yet over. That apart, the question is how to win the masses of Sikhs? It is not that all the Sikhs are Akalis. There are Sikhs following the Congress Party. There are Sikhs following the Leftist party. There are Hindus who are interested in solving this problem. The question is how to win their confidence, and restore normalcy. But there are some Congress-men, unfortunately I have to say, who are not interested in it. There are Congress-men who have given evil advice in the past. The Prime Minister should beware of them. In the White Paper I find in your secret talks you had taken the Congress M.P. by the name... (*Time bell rings*).

MR. DEPUTY CHAIRMAN: Please conclude now, Mr. Kalyanasundaram.

SHRI M. KALYANASUNDARAM: Sir, I will finish just in one or two minutes more. It is an important point. I am the only one who has to speak on all these things. Therefore, Sir, please allow me. What happened to him? What was the advice he was giving you in the past? As soon as the Army action was taken, he was the first man who resigned his party membership and the membership of Parliament to show that he is opposed to it. Did he serve the cause of Sikhism? Did he serve your party? Did he serve the cause of Indian unity? Such are the elements who are egging you on to do wrong things and you have to pay for it. This is what our Congressmen should beware of. When I say new Congressmen, please do not get offended because many of you are new. You do not even know the traditions of the Congress. There are even some glorious Sikhs who have shown that they can be good Congressmen. There are glorious Sikhs who have shown that they can be good nationalists. There

are also some good Sikhs who have shown that they can be good Communists and good Sikhs also. That is Sikhism So, you have been misled. (*Time bell rings*). That is why. I say please go into the demands also Do not wait for them. About Chandigarh, make an announcement. Who should advise you? Now the Prime Minister can take a bold decision on her own. I do not suggest that she should consult our parties. About Chandigarh, do it on your own; about water dispute, do it on your own; about borders, do it on your own. Go to Sikhs; go to Hindus, rouse them jointly and take all those who are with you. Don't think Congressmen alone can do it Take all these people who stand for stability of the country, who stand for unity of the nation and for restoration of normalcy as speedily as possible in the border State of Punjab. This is my humble suggestion.

SHRI MURASOLI MARAN (Tamil Nadu): Mr. Deputy Chairman, I rise to oppose this Bill because I feel the objectives of the Bill can be achieved without this Constitutional amendment. Sir, Constitution is the basic law of the land. Generally, we should not change it as we change our dress. Sir, just like Gavaskar is accumulating runs in test matches, we are accumulating amendments in the Constitution, and this is the fiftieth amendment; we have scored half a century of amendments. Unfortunately, our position is not like Marshal to stop them.

Sir, this has become a political game of the ruling party to go on amending the Constitution even when there is no necessity for it. If there is any genuine difficulty or a real impediment, just like the impediment for Land Reforms Act, I agree, we should amend the Constitution immediately, as in the case of the Forty-eighth amendment where we had the consent of the entire House.

Sir, there is a protection under the Constitution that President's rule should not be extended for more than a year. Really it is a protection gained by the States, by the people, and that is why, it has been incorporated in the Constitution. And the Union Government cannot deny the people, an elected Government, and within a year, the Union Government has to make arrangements for democratically elected government to be installed. That is the imperative of the Constitution. Now you are setting up a bad precedent I am sorry to say this is going to open floodgates of similar amendments in future. Hereafter, if President's rule is imposed in a State, there need not be a time limit of one year alone, and the Constitution will be so amended that it will be extended for many more years. That is why I am opposing this Constitution amendment. There are certain other ways also For example, here the Assembly had not been dismissed; this is being kept under suspended animation. I do not know why the hon. Minister of Home Affairs is not reviving the Assembly. It seems, the Government has no long-term policy or strategy towards Punjab, except army action. It seems, to them the amendment in the Constitution is easier than reviving the Assembly. I have a feeling that what Mr. Subramanian, Adviser to Punjab, is doing, can be done by Mr. Darbara Singh also. In fact, he can do it better than what a retired bureaucrat is doing; whereas the Chief Minister has been sent to Rajya Sabha and probably he is waiting in the queue to become Cabinet Minister. You do not trust your own party legislators and leaders That is the problem now.

The reason given for this amendment is: "Having regard to the prevailing situation in the State...." We all know the situation in the State. But my question to the hon. Home Minister is: Are You going to have Parliamentary elections in Punjab along with other States. I am afraid, because they have brought

[Shri Murasoli Muran]

in this amendment, they may not have Parliamentary elections in Punjab. I deprecate the move because it will be a bad precedent. Parliament is going to be flooded with amendments of this kind.

What is needed, as the Prime Minister said, is the administration of real healing touch. The task of the army was to flush out terrorists. It has, I think, almost been achieved. Now they are doing only policing duty. Continuing rule by the army is not good either for the nation or for the army itself. What we require now is, as our brother, Mr. Kalyanasundaram said, a confidence-building dialogue. But whom do you talk to? I would, therefore, request the Home Minister, if you want to restore normalcy, you should release those Akali leaders and call them to the conference table. Sir, my brother, my friend and the leader of the AIDMK, Mr. Mohanarangam, went to the top of the Himalayas, condemned article 356 and jumped down without a parachute. When I asked him about this, he replied that he landed without any injury. I am very happy about it.

SHRI R. MOHANARANGAM: I landed smoothly.

SHRI MURASOLI MARAN: Sir, during 1977 and 1980 nine State Assemblies were dissolved and the President's rule was clamped there. It was unique in the sense the Constitution provides that even without the report of the Governor it can be done. It is not good. In 1977 Mr. Charan Singh sent letters to the State Governments in the form of show cause notices. The Supreme Court had held that because then had lost the confidence of the people because the people in those States had voted for one party in the Assembly and for another party in Parliament so it could be constituted as that these Governments could not be run in accordance with the provisions of the Constitution. Based on the theory that the people had withdrawn their consent what Janata did in 1977 was followed by the Congress(I) in 1980.

SHRI R. MOHANARANGAM: I entirely agree with him. What happened when Anna DMK party came to power after defeating Congress as well as DMK in 1980. I could have very well appreciated, Mr. Maran, if the DMK Members had resigned from the Parliament seats.

SHRI MURASOLI MARAN: What can we do? The Supreme Court judgment may be wrong, and is wrong but what to do, this is the law of the land. So, according to that law laid down by the Supreme Court even in the next general elections if another party comes into power here, the Governments of the Congress and its allied parties in the States can be dismissed.

Even if Shri Mohanarangam becomes the Prime Minister tomorrow, he will be tempted to use article 356. That is why we want its total repeal. I want to say for the information of the House and Mr. Mohanarangam that when article 356 was discussed here, myself alongwith Mr. P. Ramamurty and Mr. Bhupesh Gupta, we moved an amendment to delete article 356 from the Constitution. At that time the AIDMK opposed the amendment and voted against it, that is what I want to say. I am sorry, Mr. Mohanarangam was not there at that time. So, instead of amending the Constitution, I would request the hon. Minister to restore the Assembly reposing confidence on his legislators. At the same time, I would like to have an assurance from the hon Minister that this would not be treated as a precedent. (*Interruptions*).

SHRI R. MOHANARANGAM: One minute, Sir. Mr. Mohanan is a very clever man. I do not want to become the Prime Minister of the country. Let him not create a misunderstanding between myself and the Prime Minister.

SHRI ALADI ARUNA alias V. ARUNACHALAM (Tamil Nadu): Just one point. This is for the information

of this House that the All India Anna DMK has moved an amendment in Lok Sabha for deleting article 356.

SHRI DIPEN GHOSH (West Bengal): Here you are supporting.

SHRI R. MOHANARANGAM: We are not supporting article 356. Considering the situation in Punjab it is better to extend the rule.

SHRI AMARPROSAD CHAKRABORTY (West Bengal): Mr. Deputy Chairman, Sir, I only rise to oppose this amendment because of the two things. You are aware that the framers of the Constitution were very much alergic to this provision because they feared that this provision of article 356 gave enormous power to an individual. On the report of the Governor the President can promulgate and take the power of the State. The pith and substance of the federal structure of the Constitution was to allow the State Governments to function independently, not that because of mere subjective satisfaction of the President or the Governor the State Government should be dismissed. That is why we are fighting against the use of this article from the very beginning, from the days of emergency. Now, Sir, I again come to the point. I will not enter into the merits of what happened in Punjab and who is the baby of whom, who was Bhindranwale and why

4 P.M. after giving birth to the baby, now they are dis-owning the baby. Now he has been liquidated; I am not entering into this. I straightway put the question to the hon. Minister. Art. 356(5) lays down categorically that the period may be extended where two conditions are fulfilled The first thing is that the Assembly is in suspended animation. There are one and a half months still left. Instead of eroding the Constitution, the Government can form a popular Government in Punjab. It will enhance their image and it will also save the Constitution. That is why I am straightaway putting this question to hon. Minister. Unless it has become void, unless these conditions are fulfilled, the Government has no right, the Parliament has no right to extend the period from one year to two years, because the spirit of the whole article is that six months can be extended to one year and in any case by not more than six months. Even there is a stringent provision that if the House of People is not in session, as soon as it meets, within thirty days it will be revoked unless approved by the House. So the whole spirit of the Constitution is that no undue advantage should be taken under this article. And this is very much against the pith and substance of the Constitution. The Constitution should not be amended in this fashion. Already fifty-third amendment is being placed before this House. There maybe some consequential amendments, but this is not a consequential amendment. This is a fundamental change in the Constitution and it is prohibited by the clause itself. If provisions of Art. 356(5) are not satisfied, no amendment should be made. This amendment becomes void, becomes invalid, becomes illegal. It also erodes the federal structure, the federality of the Constitution which the framers of the Constitution never envisaged.

With these words, I only appeal to the hon. Minister, there is still time, let them form the Government. I do not say whose fault it is. But let them have a trial and let the hon. Minister withdraw this Bill. At least let him create history so that there is no rape of the Constitution. Further let them form the Government. He should not try to make an amendment in an unconstitutional way.

SHRI PUTTAPAGA RADHAKRISHNA (Andhra Pradesh): Mr. Deputy Chairman, Sir, though this Bill provides for incorporation of a proviso under clause (5) of Art. 356 of the Constitution, it requires discussion of Art. 356 also. The very existence of this article is against the spirit of the Constitution. Article 1 of the Constitution says that India is a Union

(Shri Puttapaga Radhakrishna)

of States. It means if there are States in existence, then only India is there. Without States, there is no India; there is no Union. So the spirit of Art. 356 is detrimental to the spirit of Art. 1. Hence this is not at all required for the present.

Article 356 provides extraordinary and abnormal powers to the Central Government to use them against the Governments which they do not like. At the time of framing the Constitution, the ethical standards of the generation were very high. Keeping that in view, they might have framed this article. Now the ethical standards of persons in power have come down and they have begun to use these powers in the name of the President of India against those Governments in the States which are opposed to the party in power at the Centre. That is why this article 356 totally deserves to be repealed.

Coming to the proposed proviso to the article, a very peculiar state of affairs is there in Punjab. There has been President's rule in that State for the last eleven months and, at the same time, the Assembly is there and it is under suspension. If the Assembly is in a position to form and give a popular Government to the State, the Assembly can be revived; otherwise it can be dissolved. If the Assembly is dissolved, fresh elections can be ordered if circumstances in the State allow it. Otherwise, there is a provision in the present provision of the Constitution itself not to hold elections and to extend President's rule. Since the party in power at the Centre is having majority in the Assembly of Punjab State, they are not preferring to dissolve the Assembly and they want to keep the Assembly under suspension and, at the same time, they want extraordinary powers under the Constitution for ruling the State. The Congress(I) Party alone will be responsible for this.

The Army operations in that State have aggravated the situation and the people in Punjab are very much injured. This Bill will further injure and hurt the sentiments of the Sikhs who are a proud people of the nation, who are heroes of the nation. Guns were used against people who were ready to lay down their lives for the cause of the nation. That is why this Bill is absolutely unnecessary.

I would request the hon. Home Minister to withdraw this Bill and to come forward with a legislation to repeal article 356 itself. Hence, I oppose this Bill.

SHRIMATI KANAK MUKHERJEE (West Bengal): Sir, I am on a point of order. Before the hon. Minister starts replying, I want to put a question to him. As far back as 22nd July, I wrote him a letter seeking clarification about a news item in the 'Amrit Bazar Patrika' of 200 women reportedly being rescued by the Army in naked condition from the Golden Temple complex at Amritsar during their operation to flush out extremists. ... (*Interruptions*) ...

MR. DEPUTY CHAIRMAN: You have drawn the attention of the hon. Minister. That is all.

SHRIMATI KANAK MUKHERJEE: No, no. Let me finish my question. I saw the hon. Home Minister in his chamber in Parliament House and he said he would reply to me in detail after investigation, but I have not yet received any reply. Congress women in West Bengal started an agitation on this and they resorted to courting arrest also... (*Interruptions*) ...So I want the hon. Home Minister to give his clear reply on this issue on the floor of Parliament so that we can take a right step... (*Interruptions*) ...I went and saw him in his chamber. The women's wing of Congress(I) started an agitation. We want to be clear about this.

MR. DEPUTY CHAIRMAN: Please take your seat.

SHRI P. V. NARASIMHA RAO: Sir, I do not recall having promised the hon. Member that I would give her a reply on the floor of this House, on this occasion. She wanted a certain clarification. We are looking into it and I shall send the clarification to her. There is no question of escaping from it because it is her right to ask and it is my duty to send whatever information she wants. But I don't think there is any tie-up between this debate and what she asked me. (*Interruptions*).

Sir, I would like to submit to the House that the reply to this debate is very simple; I shall not take much time because I don't have to. This is not a debate on article 356 of the Constitution, its desirability, its undesirability, whether it should be there or it should not be there. It is there. It is also, in my humble opinion, not a debate on the substantive amendment of article 356, although there is no other way of describing it. We are describing it as an amendment of the Constitution. There is no other way of calling it. It is in effect and in essence an amendment which intends to postpone the applicability of article 356(5) to a particular situation in a particular State at a given time. This is what it is. It may be, technically speaking, an amendment to the Constitution. It does not conform to these classical parameters. But I again submit that there is no other way of bringing this about.

Hon. Members were very solicitous about installing of a Congress(I) Government in Punjab. I would like to assure them that I have no intention of telling Parliament that there will be no Government, no popular Government, in Punjab. What I would like to submit is, there is a deadline here, and that is the 6th of October. I would certainly like to have a Congress Government in Punjab before 6th October. But I do not want this particular date, the 6th of October, hanging on my head as the Damocles' Sword. If it happens on the 10th of October, there will be a vacuum, and no one can tell me what to do. So, I do not just want to run against time, run against the calendar, against the clock to do something before the 6th of October, Otherwise, the world will come to on end from the Constitutional point of view. So, this is the contingency I want to avoid, by bringing this Amendment. I may not need it—I have said so—but I may. So, both possibilities are there.

For one year during the President's rule what has happened is well known. For nine-and-a-half months, ten months, what has happened is well known. At the end of that, action was taken. That action has been debated here, discussed threadbare. Then, for the last two-and-a-half months certain cleaning up is going on. Hon. Members have waxed eloquent about failures, failures of the administration, failures of the intelligence, failures of all kinds. Allowing for a lot of exaggeration in what they said, it cannot be denied that there have been certain lapses here and there. As a result of them, this action, the very extraordinary step, had to be taken. There can be no denying that.

Now the question is, before a popular Government is installed, there are certain steps to be taken by way of cleaning up the administration, the administration of Punjab. I am not in agreement with those who think that that administration was assentially bad or inherently bad or that it has collapsed completely. There had crept into it certain weaknesses. Now these weaknesses have to be removed. It has to be put on its feet again, it has to be put on the rails again. That process has started; it is under way. Normalcy is coming. But, at least I would not claim that complete normalcy has returned already. I mean, this is quite clear to anyone who has been following the events from day to day. But it is also equally

[Shri P. V Narsimha Rao]

clear that we are not in June, 1984, we are not in the beginning of July, 1984, we are not in May, 1984. There is an enormous change, and this change will have to be continued, will have to be speeded up. And again I would lie to say here that you cannot speed up these things overnight, and the administration is not a brick and mortar thing. It depends on thousands and thousands of individuals, human beings, their propensities, their weaknesses, their strength. And all this has to be woven into a mechanism—woven into a beehive of activity. Now, if that activity has gone somewhere wrong—we know it has gone wrong you cannot change the beehive from A to Z. Therefore, this activity, these steps, are being taken. While this process is on, we may need a little more time beyond 6th October and that is why this Bill, this Amendment has been brought in by way of abundant caution so that we would not push ourselves into something which we would not like consciously. We may feel that some more time is needed. Actually we may also find no more time available. Then that kind of untenable situation—just that kind of difficult situation we should not face. It is from that point of view, that this Bill is before the House.

SHRI M. S. GURUPADASWAMY (Karnataka): Is it your contention that the popular Government would be an obstacle to the restoration of normalcy there?

SHRI P. V. NARASIMHA RAO: It is not my contention.

SHRI M. S. GURUPADASWAMY: Then, it becomes a routine there...

SHRI P. V. NARASIMHA RAO: You don't expect me to say that. I am saying that there is going to be a popular Government. I would like to install a popular Government. Mr. Mohanarangam, for instance said that he supports the amendment in spite of the fact that his own party Government became a target of this Article 356 once. Now, my party Government has become target of this 356 any number of times, including Mr. Darbara Singh's. So, it is not a question of that party or this party. 356 applies under certain circumstances which have been laid down in 356; any time they exist, 356 comes into operation. I want a popular Government to come there. I would certainly like to have it. But what I said was: I may or may not be able to install a popular Government to my satisfaction before the 6th of October. This is the constriction. This is the time frame.

SHRI M. KALYANASUNDARAM (Tamil Nadu): At that time, the Ministry can be dismissed. We will get one more year and that would have been easier.

SHRI P. V. NARASIMHA RAO: Mr. Kalyanasundaram, I thought that this point would not come in this House, but it has come. He wants me to install Congress-I Government for two days in a hurry and dismiss it on the third day and again bring the State under one year's President's rule. I have said that that is not my idea of running the Constitution or working the Constitution.

SHRI M. KALYANASUNDARAM: What you have done that in Andhra Pradesh.

SHRI P. V. NARASIMHA RAO: Mr. Kalyanasundaram, you and I should go to Hyderabad by the same flight. We will have two hours to discuss. Let us not discuss Andhra here. I promise a full discussion between you and me.

Sir, this is a limited point. This is a limited question. We are only overcoming this limited question, nothing more, nothing less. Thank you very much.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

The House divided.

MR. DEPUTY CHAIRMAN: Ayes: 163. Noes: 32.

Ayes—163

Akarte, Shri Jagannath Sitaram
Aladi Aruna, Shri alias V. Arunachalam
Ali, Shri Syed Rahmat
Allahabadi, Shri Hashim Raza Abidi
Alva, Shrimati Margaret
Amarjit Kaur, Shrimati
Ansari, Shri Hayat Ulla
Arif, Shri Mohammed Usman
Arun Singh, Shri
Banamali Babu, Shri
Bansal, Shri Pawan Kumar
Basavaraju, Shri M.
Basheer, Shri T.
Basumatari, Shri Dharanidhar
Bharadwaj, Shri Ramchandra
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Nand Kishore
Bhattacharjee, Shri Kamalendu
Bhim Raj, Shri
Bhuyan, Shri Gaya Chand
Birla, Shri Krishna Kumar
Chandrasekhar, Shrimati Maragatham
Chatterjee, Prof. (Mrs.) Asima
Chaturvedi, Shri Bhuvnesh
Chavan, Shrimati Premilabai Dajisaheb
Chowdhury, Ram Sewak
Dalwai, Shri Husen
Darbara Singh, Shri
Das, Shrimati Monika
Deori, Shrimati Omem
Desai, Shri Jagesh
Deshmukh, Shri Shankarrao Narayanarao
Dharmavir, Shri
Dhusiya, Shri Sohan Lal
D'Souza, Dr. Joseph Leon
Ganesan, Shri V. C.
Ganeshwar Kusum, Shri
Ghan Shyam Singh, Shri
Govind Das, Shri
Gupta, Shri Vishwa Bandhu
Handique, Shri Bijoy Krishna
Hanspal, Shri Harvendra Singh
Hanumanthappa, Shri H.
Haq, Shri (Molana) Asrarul
Haridas, Shri C.
Heerachand, Shri D.
Heptulla, Dr. (Shrimati) Najma
Islam, Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jain, Shri J. K.
Jani, Shri Jagadish
Jayalalitha, Miss
John, Shri Valampuri
Joshi, Shri Krishna Nand
Joshi, Miss Kumudben M.
Joshi, Shrimati Sudha Vijay
Kadharsha, Shri M.
Kalita, Shri Bhubaneswar
Kamble, Prof. N. M.
Kar, Shri Ghulam Rasool
Kaul, Shrimati Krishna
Kaushik, Shri M. P.
Kesri, Shri Sitaram
Khan, Shri F. M.
Khan, Shri Khurshed Alam
Khaparde, Miss Saroj
Kidwai, Dr. Mohd. Hashim
Kollur, Shri M. L.
Krishna Mohan, Shri B.
Kureel, Shri Piare Lall Urf Piare Lall Talib Unnavi

Kushnoor, Shri Veershetty Moglappa
Laxmi Narain, Shri
Lokesh Chandra, Dr.
Maddanna, Shri M.
Mahida, Shri Harisinh Bhagubava
Mahto, Shri Bandhu
Majhi, Shri Prithibi
Makwana, Shri Yogendra
Malaviya, Shri Radhakishan
Malhotra, Shrimati Usha
Malik, Shri Mukhtiar Singh
Malik, Shri Satya Pal
Manhar, Shri Bhagatram
Meena, Shri, Dhuleshwar
Mehta, Shri Chimanbhai
Mirdha, Shri Ram Niwas
Mirza Irshadbaig Aiyubbaig, Shri
Mishra, Shri Mahendra Mohan
Mishra, Shri Sheo Kumar
Mitra, Shri Sankar Prasad
Mittal, Shri Sat Paul
Mohanarangam, Shri R.
Mohapatra, Shri Shyam Sundar
Mohanty, Shri Subas
Moopanar, Shri G. K.
Mukherjee, Shri Pranab
Naik, Shri G. Swamy
Natha Singh, Shri
Pachouri, Shri Suresh
Pahadia, Shrimati Shanti
Panda, Shri Akshay
Pandey, Shrimati Manorama
Pandey, Shri Sudhakar
Panicker, Shri K. Vasudeva
Paswan, Shri Ram Bhagat
Patel, Shri Ram Pujan
Patel, Shri Vithalbhai Motiram
Patil, Shri Dinkarrao Govindrao
Pattnaik, Shri Sunil Kumar
Prajapati, Shri Pravin Kumar
Prasad, Shri K. L. N.
Rafique Alam, Shri
Rai, Shri Kalpnath
Rajagopal, Shri M.
Rajangam, Shri N.
Ramachandran, Shri M. S.
Ramakrishnan, Shri R.
Ramamurthy, Shri Thindivanam K.
Ramanathan, Shri V.
Ramesh Babu, Shri S. B.
Rao, Prof. B. Ramachandra
Rao, Shri R. Sambasiva
Rao, Shri V. C. Kesava
Ratan Kumari, Shrimati
Rathvakoli, Shri Ramsinghbhai Pataliyabhai
Ray, Shri Deba Prasad
Razi, Shri Syed Sibtey
Reddy, Shri Adinarayana
Reddy, Shri T. Chandrasekhar
Roshan Lal, Shri
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Salve, Shri N. K. P.
Sankata Prasad, Dr.
Saring, Shri Leonard Soloman
Sharma, Shri Anand
Sharma, Shri A. P.
Shukla, Shri Keshavprasad
Siddiqi, Shri Shamim Ahmed
Silvera, Dr. C.
Singh, Shri Vishwanath Pratap
Singh, Shrimati Pratibha
Singh, Shri R. K. Jaichandra
Singh, Dr. Rudra Pratap
Singh, Thakur Kamakhya Prasad
Singh, Shri Vishvajit Prithvijit
Singh, Shri Vishwanath Pratap
Sukul, Shri P. N.
Sultan, Shrimati Maimoona
Sultan Singh, Shri
Swu, Shri Scato
Tariang, Shri Jerlie E.
Thakur, Jagatpal Singh
Thakur, Shri Rameshwar
Thangabalu, Shri T.
Tripathi, Shri Chandrika Prasad
Valiullah, Shri Raoof
Varadaraj, Shri G.
Verma, Shri Shrikant

Vikal, Shri Ram Chandra
Yadav, Shri Ramanand

Noes—32

Ashwani Kumar, Shri
Barman, Shri Debendra Nath
Bhattacharjee, Shri Nepaldev
Bhattacharya, Shrimati Ila
Chatterjee, Shri Nirmal
Dhabe, Shri S. W.
Ghosh, Shri Dipen
Goswami, Shri Biswa
Gurupadaswamy, Shri M. S.
Imti, Shri T. Aliba
Joseph, Shri O. J.
Kalyanasundaram, Shri M.
Khandelwal, Shri Pyarelal
Lakshmanna, Prof. C.
Mahabir Prasad, Dr.
Maran, Shri Murasoli
Master, Shri K. Chathunni
Matto, Shri Ghulam Rasool
Mazumder, Shri Ramkrishna
Mohanan, Shri K.
Mohunta, Shri Sushil Chand
Mukherjee, Shrimati Kanak
Patel, Dr. Shanti G.
Paul, Shri Makhan
Pradhan, Shri Badri Narayan
Quasem, Shri Mostafa Bin
Radhakrishna, Shri Puttapaga
Scindia, Shrimati Vijaya Raje
Sen, Shri Sukomal
Suraj Prasad, Shri
Verma, Shri Virendra
Yadav, Shri Hukmdeo Narayan

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

MR. DEPUTY CHAIRMAN: We shall now take up the clause-by-clause consideration of the Bill.

The Question is:

"That Clause 2 stand part of the Bill."

The House divided.

MR. DEPUTY CHAIRMAN:

Ayes 163
Noes 32

Ayes—163

Akarte, Shri Jagannath Sitaram
Aladi Aruna, Shri alias V. Arunachalam
Ali, Shri Syed Rahmat
Allahabadi, Shri Hashim Raza Abidi
Alva, Shrimati Margaret
Amarjit Kaur, Shrimati
Ansari, Shri Hayat Ulla
Arif, Shri Mohammed Usman
Arun Singh, Shri
Banamali Babu, Shri
Bansal, Shri Pawan Kumar
Basavaraju, Shri M.
Basheer, Shri T.
Basumatari, Shri Dharanidhar
Bharadwaj, Shri Ramchandra
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Nand Kishore
Bhattacharjee, Shri Kamalendu
Bhim Raj, Shri
Bhuyan, Shri Gaya Chand
Birla, Shri Krishna Kumar
Chandrasekhar, Shrimati Maragatham
Chatterjee, Prof. (Mrs.) Asima
Chaturvedi, Shri Bhuvnesh
Chavan, Shrimati Premliabai Dajisaheb
Chowdhury, Ram Sewak
Dalwai, Shri Husen
Darbara Singh, Shri
Das, Shrimati Monika
Deori, Shrimati Omem
Desai, Shri Jagesh
Deshmukh, Shri Shankarrao Narayanarao
Dharmavir, Shri

Dhusiya, Shri Sohan Lal
D'Souza, Dr. Joseph Leon
Ganesan, Shri V. C.
Ganeshwar Kusum, Shri
Ghan Shyam Singh, Shri
Govind Das, Shri
Gupta, Shri Vishwa Bandhu
Handque, Shri Bijoy Krishna
Hanspal, Shri Harvendra Singh
Hanumanthappa, Shri H.
Haq, Shri (Molana) Asrarul
Haridas, Shri C.
Heerachand, Shri D.
Heptulla, Dr. (Shrimati) Najma
Islam, Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jain, Shri J. K.
Jani, Shri Jagadish
Jayalalitha, Miss
John, Shri Valampuri
Joshi, Shri Krishna Nand
Joshi, Miss Kumudben M.
Joshi, Shrimati Sudha Vijay
Kadharsha, Shri M.
Kalita, Shri Bhubaneswar
Kamble, Prof. N. M.
Kar, Shri Ghulam Rasool
Kaul, Shrimati Krishna
Kaushik, Shri M. P.
Kesri, Shri Sitaram
Khan, Shri F. M.
Khan, Shri Khurshed Alam
Khaparde, Miss Saroj
Kidwai, Dr. Mohd. Hashim
Kollur, Shri M. L.
Krishna Mohan, Shri B.
Kureel, Shri Piare Lall Urf Piare Lall Talib Unnavi
Kushnoor, Shri Veershetty Moglappa
Laxmi Narain, Shri
Lokesh Chandra, Dr.
Maddanna, Shri M.
Mahida, Shri Harisinh Bhagubava
Mahto, Shri Bandhu
Majhi, Shri Prithibi
Makwana, Shri Yogendra
Malaviya, Shri Radhakishan
Malhotra, Shrimati Usha
Malik, Shri Mukhtiar Singh
Malik, Shri Satya Pal
Manhar, Shri Bhagatram
Meena, Shri Dhuleshwar
Mehta, Shri Chimanbhai
Mirdha, Shri Ram Niwas
Mirza Irshadbaig Aiyubbaig, Shri
Mishra, Shri Mahendra Mohan
Mishra, Shri Sheo Kumar
Mitra, Shri Sankar Prasad
Mittal, Shri Sat Paul
Mohanarangam, Shri R.
Mohapatra, Shri Shyam Sundar
Mohanty, Shri Subas
Moopanar, Shri G. K.
Mukherjee, Shri Pranab
Naik, Shri G. Swamy
Natha Singh, Shri
Pachouri, Shri Suresh
Pahadia, Shrimati Shanti
Panda, Shri Akshay
Pandey, Shrimati Manorama
Pandey, Shri Sudhakar
Panicker, Shri K. Vasudeva
Paswan, Shri Ram Bhagat
Patel, Shri Ram Pujan
Patel, Shri Vithalbhai Motiram
Patil, Shri Dinkarrao Govindrao
Pattnaik, Shri Sunil Kumar
Prajapati, Shri Pravin Kumar
Prasad, Shri K. L. N.
Rafique Alam, Shri
Rai, Shri Kalpnath
Rajagopal, Shri M.
Rajangam,, Shri N.
Ramachandran, Shri M. S.
Ramakrishnan, Shri R.

Ramamurthy, Shri Thindivanam K.
Ramanathan, Shri V.
Ramesh Babu, Shri S. B.
Rao, Prof. B. Ramachandra
Rao, Shri R. Sambasiva
Rao, Shri V. C. Kesava
Ratan Kumari, Shrimati
Rathvakoli, Shri Ramsingbhai Pataliyabhai
Ray, Shri Deba Prasad
Razi, Shri Syed Sibtey
Reddy, Shri Adinarayana
Reddy, Shri T. Chandrasekhar
Roshan Lal, Shri
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Salve, Shri N. K. P.
Sankata Prasad, Dr.
Saring, Shri Leonard Soloman
Sharma, Shri Anand
Sharma, Shri A. P.
Shukla, Shri Keshavprasad
Siddiqi, Shri Shamim Ahmed
Silvera, Dr. C.
Singh, Shri Bir Bhadra Pratap
Singh, Shrimati Pratiba
Singh, Shri R. K. Jaichandra
Singh, Dr. Rudra Pratap
Singh, Thakur Kamakhya Prasad
Singh, Shri Vishvajit Prithvijit
Singh, Shri Vishwanath Pratap
Sukul, Shri P. N.
Sultan, Shrimati Maimoona
Sultan Singh, Shri
Swu, Shri Scato
Tariang, Shri Jerlie E.
Thakur, Jagatpal Singh
Thakur, Shri Rameshwar
Thangabalu, Shri T.
Tripathi, Shri Chandrika Prasad
Valiullah, Shri Raoof
Varadaraj, Shri G.
Verma, Shri Shrikant
Vikal, Shri Ram Chandra
Yadav, Shri Ramanand

Bill 1984

Noes—32

Ashwani Kumar, Shri
Barman, Shri Debendra Nath
Bhattacharjee, Shri Nepaldev
Bhattacharya, Shrimati Ila
Chatterjee, Shri Nirmal
Dhabe, Shri S. W.
Ghosh, Shri Dipen
Goswami, Shri Biswa
Gurupadaswamy, Shri M. S.
Imti, Shri T. Aliba
Joseph, Shri O. J.
Kalyanasundaram, Shri M.
Khandelwal, Shri Pyarelal
Lakshmanna, Prof. C.
Mahabir Prasad, Dr.
Maran, Shri Murasoli
Master, Shri K. Chathunni
Matto, Shri Ghulam Rasool
Mazumder, Shri Ramkrishna
Mohanan, Shri K.
Mohunta, Shri Sushil Chand
Mukherjee, Shrimati Kanak
Patel, Dr. Shanti G.
Paul, Shri Makhan
Pradhan, Shri Badri Narayan
Quasem, Shri Mostafa Bin
Radhakrishna, Shri Puttapaga
Scindia, Shrimati Vijaya Raje
Sen, Shri Sukomal
Suraj Prasad, Shri
Verma, Shri Virendra
Yadav, Shri Hukmdeo Narayan

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 2 was added to the Bill.

MR. DEPUTY CHAIRMAN: The question is—

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The House divided.

MR. DEPUTY CHAIRMAN:

Ayes 163
Noes 32

Ayes—163

Akarte, Shri Jagannath Sitaram
Aladi Aruna, Shri alias V. Arunachalam
Ali, Shri Syed Rahmat
Allahabadi, Shri Hashim Raza Abidi
Alva, Shrimati Margaret
Amarjit Kaur, Shrimati
Ansari, Shri Hayat Ulla
Arif, Shri Mohammed Usman
Arun Singh, Shri
Banamali Babu, Shri
Bansal, Shri Pawan Kumar
Basavaraju, Shri M.
Basheer, Shri T.
Basumatari, Shri Dharanidhar
Bharadwaj, Shri Ramchandra
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Nand Kishore
Bhattacharjee, Shri Kamalendu
Bhim Raj, Shri
Bhuyan, Shri Gaya Chand
Birla, Shri Krishna Kumar
Chandrasekhar, Shrimati Maragatham
Chatterjee, Prof. (Mrs.) Asima
Chaturvedi, Shri Bhuvnesh
Chavan, Shrimati Premilabai Dajisaheb
Chowdhury, Ram Sewak
Dalwai, Shri Husen
Darbara Singh, Shri
Das, Shrimati Monika
Deori, Shrimati Omem
Desai, Shri Jagesh
Deshmukh, Shri Shankarrao Narayanarao
Dharmavir, Shri
Dhusiya, Shri Sohan Lal
D'Souza, Dr. Joseph Leon
Ganesan, Shri V. C.
Ganeshwar Kusum, Shri
Ghan Shyam Singh, Shri
Govind Das, Shri
Gupta, Shri Vishwa Bandhu
Handique, Shri Bijoy Krishna
Hanspal, Shri Harvendra Singh
Hanumanthappa, Shri H.
Haq, Shri (Molana) Asrarul
Haridas, Shri C.
Heerachand, Shri D.
Heptulla, Dr. (Shrimati) Najma
Islam, Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jain, Shri J. K.
Jani, Shri Jagadish
Jayalalitha, Miss
John, Shri Valampuri
Joshi, Shri Krishna Nand
Joshi, Miss Kumudben M.
Joshi, Shrimati Sudha Vijay
Kadharsha, Shri M.
Kalita, Shri Bhubaneswar
Kamble, Prof. N. M.
Kar, Shri Ghulam Rasool
Kaul, Shrimati Krishna
Kaushik, Shri M. P.
Kesri, Shri Sitaram
Khan, Shri F. M.
Khan, Shri Khurshed Alam
Khaparde, Miss Saroj
Kidwai, Dr. Mohd. Hashim
Kollur, Shri M. L.
Krishna Mohan, Shri B.
Kureel, Shri Piare Lall Urf Piare Lall Talib Unnavi
Kushnoor, Shri Veershetty Moglappa
Laxmi Narain, Shri
Lokesh Chandra, Dr.
Maddanna, Shri M.
Mahida, Shri Harisinh Bhagubava
Mahto, Shri Bandhu

Majhi, Shri Prithibi
Makwana, Shri Yogendra
Malaviya, Shri Radhakishan
Malhotra, Shrimati Usha
Malik, Shri Mukhtiar Singh
Malik, Shri Satya Pal
Manhar, Shri Bhagatram
Meena, Shri Dhuleshwar
Mehta. Shri Chimanbhai
Mirdha, Shri Ram Niwas
Mirza Irshadbaig Aiyubbaig, Shri
Mishra, Shri Mahendra Mohan
Mishra, Shri Sheo Kumar
Mitra, Shri Sankar Prasad
Mittal, Shri Sat Paul
Mohanarangam, Shri R.
Mohapatra, Shri Shyam Sundar
Mohanty, Shri Subas
Moopanar, Shri G. K.
Mukherjee, Shri Pranab
Naik, Shri G. Swamy
Natha Singh, Shri
Pachouri, Shri Suresh
Pahadia, Shrimati Shanti
Panda, Shri Akshay
Pandey, Shrimati Manorama
Pandey, Shri Sudhakar
Panicker, Shri K. Vasudeva
Paswan, Shri Ram Bhagat
Patel, Shri Ram Pujan
Patel, Shri Vithalbhai Motiram
Patil, Shri Dinkarrao Govindrao
Pattnaik, Shri Sunil Kumar
Prajapati, Shri Pravin Kumar
Prasad, Shri K. L. N.
Rafique Alam, Shri
Rai, Shri Kalpnath
Rajagopal, Shri M.
Rajangam, Shri N.
Ramachandran, Shri M. S.
Ramakrishnan, Shri R.
Ramamurthy, Shri K.
Ramanathan, Shri V.
Ramesh Babu, Shri S. B.
Rao, Prof. B. Ramachandra
Rao, Shri R. Sambasiva
Rao, Shri V. C. Kesava
Ratan Kumari, Shrimati
Rathvakoli, Shri Ramsingbhai Pataliyabhai
Ray, Shri Deba Prasad
Razi, Shri Syed Sibtey
Reddy, Shri Adinarayana
Reddy, Shri T. Chandrasekhar
Roshan Lal, Shri
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Salve, Shri N. K. P.
Sankata Prasad, Dr.
Saring, Shri Leonard Soloman
Sharma, Shri Anand
Sharma, Shri A. P.
Shukla, Shri Keshavprasad
Siddiqi, Shri Shamim Ahmed
Silvera, Dr. C.
Singh, Shri Bir Bhadra Pratap
Singh, Shrimati. Pratibha
Singh, Shri R. K. Jaichandra
Singh, Dr. Rudra Pratap
Singh, Thakur Kamakhya Prasad
Singh, Shri Vishvajit Prithvijit
Singh, Shri Vishwanath Pratap
Sukul, Shri P. N.
Sultan, Shrimati Maimoona
Sultan Singh, Shri
Swu, Shri Scato
Tariang, Shri Jerlie E.
Thakur Jagatpal Singh
Thakur, Shri Rameshwar
Thangabalu, Shri T.
Tripathi, Shri Chandrika Prasad
Valiullah, Shri Raoof
Varadaraj, Shri G.
Verma, Shri Shrikant
Vikal, Shri Ram Chandra

Yadav, Shri Ramanand

Noes—32

Ashwani Kumar, Shri
Barman, Shri Debendra Nath
Bhattacharjee, Shri Nepaldev
Bhattacharya, Shrimati Ila
Chatterjee, Shri Nirmal
Dhabe, Shri S. W.
Ghosh. Shri Dipen
Goswami, Shri Biswa
Gurupadaswamy, Shri M. S.
Imti, Shri T. Aliba
Joseph, Shri O. J.
Kalyanasundaram, Shri M.
Khandelwal, Shri Pyarelal
Lakshmanna, Prof. C.
Mahabir Prasad, Dr.
Maran, Shri Murasoli
Master, Shri K. Chathunni
Matto, Shri Ghulam Rasool
Mazumder, Shri Ramkrishna
Mohanan, Shri K.
Mohunta, Shri Sushil Chand
Mukherjee, Shrimati Kanak
Patel, Dr. Shanti G.
Paul, Shri Makhan
Pradhan, Shri Badri Narayan
Quasem, Shri Mostafa Bin
Radhakrishna, Shri Puttapaga
Scindia, Shrimati Vijaya Raje
Sen, Shri Sukomal
Suraj Prasad, Shri
Verma, Shri Virendra
Yadav, Shri Hukmdeo Narayan

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI P. V. NARASIMHA RAO: Sir, I move:

"That the Bill be passed."

The question was proposed.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Sir, I wish to raise a Constitutional point for the consideration of the Hon'ble Minister.

Article 356(4) of the Constitution reads thus:

> A Proclamation so approved shall, unless revoked, cease to operate on the expiration of a period of six months from the date of issue of the Proclamation:
>
> Provided that if and so often as a resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament, the Proclamation shall, unless revoked, continue in force for a further period of six months from the date on which under this clause it would otherwise have ceased to operate, but no such Proclamation shall in any case remain in force for more than three years.

This is a directive to the effect that if and when the Gooverment has to extend the period, it cannot do so for more than six months. Even if you want to extend it for three years, the period has to be bifurcated into six months at a time. This is very clear from this provision of the Constitution. The maximum period is three years. But the point is when extension is to be granted, the period for which it can be granted under this clause is for six months. After that, they can do it again for another six months till three years. Otherwise this is challengable under the law. I would, therefore, request the Hon'ble Minister to confine this to a period of six months and not for one year. This is very important and I would request him once again to consult his legal experts on this issue.

SHRI P. V. NARASIMHA RAO: The resolution will be for six months.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The House divided.

MR. DEPUTY CHAIRMAN:

Ayes	....	163
Noes	....	32

Ayes—163

Akarte, Shri Jagannath Sitaram
Aladi Aruna, Shri alias V. Arunachalam
Ali, Shri Syed Rahmat
Allahabadi, Shri Hashim Raza Abidi
Alva, Shrimati Margaret
Amarjit Kaur, Shrimati
Ansari, Shri Hayat Ulla
Arif, Shri Mohammed Usman
Arun Singh, Shri
Banamali Babu, Shri
Bansal, Shri Pawan Kumar
Basavaraju, Shri M.
Basheer, Shri T.
Basumatari, Shri Dharanidhar
Bharadwaj, Shri Ramchandra
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Nand Kishore
Bhattacharjee, Shri Kamalendu
Bhim Raj, Shri
Bhuyan, Shri Gaya Chand
Birla, Shri Krishna Kumar
Chandrasekhar, Shrimati Maragatham
Chatterjee, Prof. (Mrs.) Asima
Chaturvedi, Shri Bhuvnesh
Chavan, Shrimati Premilabai Dajisaheb
Chowdhury, Ram Sewak
Dalwai, Shri Husen
Darbara Singh, Shri
Das, Shrimati Monika
Deori, Shrimati Omem
Desai, Shri Jagesh
Deshmukh, Shri Shankarrao Narayanarao
Dharmavir, Shri
Dhusiya, Shri Sohan Lal
D'Souza, Dr. Joseph Leon
Ganesan, Shri V. C.
Ganeshwar Kusum, Shri
Ghan Shyam Singh, Shri
Govind Das, Shri
Gupta, Shri Vishwa Bandhu
Handique, Shri Bijoy Krishna
Hanspal, Shri Harvendra Singh
Hanumanthappa, Shri H.
Haq, Shri (Molana) Asrarul
Haridas, Shri C.
Heerachand, Shri D.
Heptulla, Dr. (Shrimati) Najma
Islam, Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jain, Shri J. K.
Jani, Shri Jagadish
Jayalalitha, Miss
John, Shri Valampuri
Joshi, Shri Krishna Nand
Joshi, Miss Kumudben M.
Joshi, Shrimati Sudha Vijay
Kadharsha, Shri M.
Kalita, Shri Bhubaneswar
Kamble, Prof. N. M.
Kar, Shri Ghulam Rasool
Kaul, Shrimati Krishna
Kaushik, Shri M. P.
Kesri, Shri Sitaram
Khan, Shri F. M.
Khan, Shri Khursheed Alam
Khaparde, Miss Saroj
Kidwai, Dr. Mohd. Hashim
Kollur, Shri M. L.
Krishna Mohan, Shri B.
Kureel, Shri Piare Lall *Urf* Piare Lall Talib Unnavi
Kushnoor, Shri Veershetty Mogulappa
Laxmi Narain, Shri

Lokesh Chandra, Dr.
Maddanna, Shri M.
Mahida, Shri Harisinh Bhagubava
Mahto, Shri Bandhu
Majhi, Shri Prithibi
Makwana, Shri Yogendra
Malaviya, Shri Radhakrishan
Malhotra, Shrimati Usha
Malik, Shri Mukhtiar Singh
Malik, Shri Satya Pal
Manhar, Shri Bhagatram
Meena, Shri Dhuleshwar
Mehta, Shri Chimanbhai
Mirdha, Shri Ram Niwas
Mirza Irshadbaig Aiyubbaig, Shri
Mishra, Shri Mahendra Mohan
Mishra, Shri Sheo Kumar
Mitra, Shri Sankar Prasad
Mittal, Shri Sat Paul
Mohanarangam, Shri R.
Mohapatra, Shri Shyam Sundar
Mohanty, Shri Subas
Moopanar, Shri G. K.
Mukherjee, Shri Pranab
Naik, Shri G. Swamy
Natha Singh, Shri
Pachouri, Shri Suresh
Pahadia, Shrimati Shanti
Panda, Shri Akshay
Pandey, Shrimati Manorama
Pandey, Shri Sudhakar
Panicker, Shri K. Vasudeva
Paswan, Shri Ram Bhagat
Patel, Shri Ram Pujan
Patel, Shri Vithalbhai Motiram
Patil, Shri Dinkarrao Govindrao
Pattnaik, Shri Sunil Kumar
Prajapati, Shri Pravin Kumar
Prasad, Shri K. L. N.
Rafique Alam, Shri
Rai, Shri Kalpnath
Rajagopal, Shri M.
Rajangam, Shri N.
Ramachandran, Shri M. S.
Ramakrishnan, Shri R.
Ramamurthy, Shri K.
Ramananthan, Shri V.
Ramesh Babu, Shri S. B.
Rao, Prof. B. Ramachandra
Rao, Shri R. Sambasiva
Rao, Shri V. C. Kesava
Ratan Kumari, Shrimati
Rathvakoli, Shri Ramsingbhai Pataliyabhai
Razi, Shri Syed Sibtey
Reddy, Shri Adinarayana
Reddy, Shri T. Chandrasekhar
Roshan Lal, Shri
Roy, Shri Deba Prasad
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Salve, Shri N. K. P.
Sankata Prasad, Dr.
Saring, Shri Leonard Soloman
Sharma, Shri Anand
Sharma, Shri A. P.
Shukla, Shri Keshavprasad
Siddiqi, Shri Shamim Ahmed
Silvera, Dr. C.
Singh, Shri Bir Bhadra Pratap
Singh, Shrimati Pratibha
Singh, Shri R. K. Jaichandra
Singh, Dr. Rudra Pratap
Singh, Thakur Kamakhya Prasad
Singh, Shri Vishvajit Prithvijit
Singh, Shri Vishwanath Pratap
Sukul, Shri P. N.
Sultan, Shrimati Maimoona
Sultan Singh, Shri
Swu, Shri Scato
Tariang, Shri Jerlie E.
Thakur, Shri Jagatpal Singh
Thakur, Shri Rameshwar
Thangabalu, Shri T.
Tripathi, Shri Chandrika Prasad
Valiullah, Shri Raoof

Varadaraj, Shri G.
Verma, Shri Shrikant
Vikal, Shri Ram Chandra
Yadav, Shri Ramanand

Noes—32

Ashwani Kumar, Shri
Barman, Shri Debendra Nath
Bhattacharjee, Shri Nepaldev
Bhattacharya, Shrimati Ila
Chatterjee, Shri Nirmal
Dhabe, Shri S. W.
Ghosh, Shri Dipen
Goswami, Shri Biswa
Gurupadaswamy, Shri M. S.
Imti, Shri T. Aliba
Joseph, Shri O. J.
Kalyanasundaram, Shri M.
Khandelwal, Shri Pyarelal
Lakshmanna, Prof. C.
Mahabir Prasad, Dr.
Maran, Shri Murasoli
Master, Shri K. Chathunni
Matto, Shri Ghulam Rasool
Mazumder, Shri Ramkrishna
Mohanan, Shri K.
Mohunta, Shri Sushil Chand
Mukherjee, Shrimati Kanak
Patel, Dr. Shanti G.
Paul, Shri Makhan
Pradhan, Shri Badri Narayan
Quasem, Shri Mostafa Bin
Radhakrishna, Shri Puttapaga
Scindia, Shrimati Vijaya Raje
Sen, Shri Sukomal
Suraj Prasad, Shri
Verma, Shri Virendra
Yadav, Shri Hukmdeo Narayan

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

MR. DEPUTY CHAIRMAN: Now we move on to the next Constitution (Amendment) Bill. Yes, the Home Minister, please. (*Interruptions*). Order, please. (*Interruptions*). Those who want to go out, may go silently, please. Yes, the Home Minister now.

THE MINISTER OF HOME AFFAIRS (SHRI P. V. NARASIMHA RAO): Sir, if you permit, we can take up the Constitution (Fifty-first Amendment) Bill and the Constitution (Fifty-third Amendment) Bill together because they relate to the tribals in Tripura, etc. and to more or less the same thing.

MR. DEPUTY CHAIRMAN: There is, a suggestion and the House may agree to taking up both the Fifty-first and Fifty-Third Amendment Bills together. I think we can take them up together and the voting will be separate. I hope the honourable Members will agree.

SOME HON. MEMBERS: Yes.

MR. DEPUTY CHAIRMAN: Yes. We are taking them up together. The voting will be separate.

I. THE CONSTITUTION (FIFTY-FIRST) AMENDMENT BILL, 1984

II. THE CONSTITUTION (FIFTY-THIRD) AMENDMENT BILL, 1984

THE MINISTER OF HOME AFFAIRS (SHRI P. V. NARASIMHA RAO): Sir, I beg to move:

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

Sir, presently, the Sixth Schedule applies to tribal areas in Assam, Meghalaya and Mizoram which were originally parts of undivided Assam. This Schedule has given a certain measure of self-government to the tribals in these areas and engenders a feeling of confidence among the tribals. The Autonomous District Councils functioning under the Sixth